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Definitions of Freedom

II. Jefferson vs. Robespierre

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Second in a series of four portraits

I

BY HER failure to transcend the mercantilist pattern of colonial government, England, the least absolutist of all eighteenth century states, found herself confronted with a rebellion beyond the seas. Aided by the money and ships of a vengeful France, by French volunteers, and by Prussian drillmasters, the revolution of the British settlers in North America succeeded. Thus was ushered in the great age of revolution which, within less than two hundred years, has destroyed the entire fabric of the Western world. Today's last two protagonists, the United States and Soviet Russia, glowering at each other across the shambles, are lineal heirs of the two most important revolutionaries of the eighteenth century, Thomas Jefferson and Maximilian Robespierre.

Thomas Jefferson, if no other choice remained, declared complete anarchy would be preferable if organized government could be had only at the price of curtailing individual liberty. Robespierre considered the maintenance of order, even if it entailed the suppression of every vestige of liberty, preferable to chaotic libertarianism which would only lead to the re-establishment of monarchic absolutism. The ideological founding fathers of the liberal and the totalitarian forms of popular government have left us much food for thought.

II

Jefferson was the son of a self-taught farmer who had become a civil engineer and justice of the peace. Robespierre descended from a long line of respectable provincial jurists. Both were contemporaries. Yet, Jefferson (although half a generation older than Robespierre—the American was born on April 13, 1743, the Frenchman on May 6, 1758) outlived Robespierre by more than thirty years, dying on July 4, 1826. Robespierre's headless body was unceremoniously buried on July 28, 1794. He was only 36 years old.

The life of the one seemed a miracle of success, that of the other an unmitigated and catastrophic failure. Both died poor. During his last months, the old American Grandseigneur was kept financially afloat by a national subscription which netted him less than $17,000, and immediately after his death, his home in Monticello had to be sold to help pay for his debts.

The frugal Frenchman died a poor man, but he had never been wealthy. Like Rous-

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seau, he loved all the people but no individual living thing, except perhaps his dog. The only human being for whom he felt something like friendship, Camille Desmoulins, he sent to the guillotine, political divergences overriding personal attachment. Jefferson, losing his young wife, to whom he was deeply attached, when she was barely 33 and he 39, never remarried, but was a loving father and grand-father in a truly Goldsmithian manner. Robespierre had few interests, Jefferson many.

Both were leery of the power of organized churches, but the Frenchman's innate preference for order led him to propound the cult of the Supreme Being as a new state-religion. Jefferson, though choosing the precepts of Christianity unadulterated by ecclesiastical dogmatism as his own, insisted: "It does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg" (*Notes on Virginia,* query 17). Robespierre who was actually cooped up with a number of avowed ahteists in the *Comité de Salut Public* would never agree to so liberal an interpretation of religious liberty. His concept of republican virtue required a binding ethical commitment of universal acceptance, however vague his deism might be.

Throughout his life Jefferson possessed an incalculable advantage over Robespierre: he had been born and bred in a society which had inherited from seventeenth century England certain working principles and traditions of self-government with which the equalitarian and libertarian ideas of the French thinkers of the eighteenth century could be blended. Robespierre, on the other hand, knew self-government only from the days of Greece and Rome; his practical experience with it was nil. Raised in a country in which the Estates-General had not been convoked for about a century and half, his notions of individual liberty and its compatibility with effectively organized government were those of a theorist.

It was, therefore, easier for Jefferson to conclude that limited self-government was not enough. For Robespierre, self-government itself was a staggering innovation to be defended against a hellish coalition of the monarchs of Europe. This, too, must be remembered: the triumph of the American revolution was due chiefly to the fact that the geographical remoteness of the rebellion did not arouse the same feeling of solidarity among the kings of Europe as the very close outburst of revolutionary energy in continental Europe. Spain and France, as well as Prussia, therefore, saw nothing incongruous in their support of the struggling American colonists against Great Britain, while in 1792 every crowned head in Europe slept uneasily.

Once rid of their sovereign, the American colonies were free from major foreign pressure to draft their constitution and to put it into effect at leisure. Only domestic factions had to be reckoned with. Revolutionary France, however, was constantly threatened by a militant coalition of all major powers except Russia whose shrewd old Catherine gave her fellow-princes her blessing but no armies against the French regicides. The American Constitution was written when the country was at peace. Robespierre's rise to power and his short hold on it was confined exclusively to a period of crucial warfare. Invaded France, striking back at her invaders as best she could, beset with economic and social troubles the like of which the United States has never known, was certainly not an ideal country in which to introduce modern forms of self-government for the first time.

Robespierre was never in the United States; Jefferson knew France from first-hand experience. It was the France of the *ancien régime* to which he was accredited as American ambassador in 1785, the France in which the then wholly unknown young lawyer of Arras was delighting in defending under-dogs in court and reading refined little papers to the local literary academy. The man who had drafted the Declaration of Independence was, of course, considered by Louis XVI's court in somewhat the same light in which ambassadors of Communist Russia are wont to be looked upon in our own days. But, unlike these modern representatives of a revolutionary regime, Jefferson studiously refrained from active interference in French internal political affairs.

After the fall of the Bastille, divergent groups amongst the French reformers tried to obtain Jefferson's advice on the new constitution which they proposed to draft.

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Finally Jefferson asked Lafayette to come to dinner with some six or eight friends, spokesmen of the most important factions of the reformers' camp. After much dispassionate discussion at which Jefferson, according to his own report, remained a detached listener, the Frenchmen agreed on what later became the main principles of the first constitution actually adopted. So far, a modern Russian embassy would fit into the picture, except perhaps that the ambassador himself would play a more active role in the proceedings. But the next morning Jefferson fully informed the French royal government of that remarkable dinner party: ". . . I knew too well the duties I owed to the king, to the nation, to my own country, to take any part in councils concerning their internal government."

Ironically enough those years which Jefferson and Robespierre spent jointly in France were the ones in which the American Constitution was drafted, ratified, and put into effect. Although in full agreement with the main principles embodied in the Constitution, Jefferson found most of the safeguards of personal liberty missing, which in his opinion ought to have been an integral part of the Constitution from the first. His efforts, devoted to remedying this defect succeeded, and the first batch of amendments to the American Constitution attests his success. Freedom of the press and freedom of worship in particular bore the Jeffersonian stamp.

Whether or not Jefferson and Robespierre ever met before the American left France is doubtful. There was, however, ample opportunity for their doing so. For in the spring of 1789 Robespierre was elected as one of eight deputies of the Third Estate to represent his district in the Estates-General. He was, therefore, in Paris during the summer of that year. That Robespierre knew of the famous American ambassador can be assumed with certainty, but that Jefferson (who was on intimate terms with Lafayette and other acknowledged leaders of the reform group), took cognizance of an obscure young deputy from Arras was hardly to be expected. Yet later on it was Jefferson who on more than one occasion hearkened back to Robespierre, whose regime with excellent perception he considered as a great set-back for the cause of liberty in Europe.

III

The differences in their attitude toward personal freedom were clearly the result of their upbringing: Jefferson, disciple of Locke, assumed that all men were born with certain inalienable rights, including among others the right to life, liberty, and the pursuit of happiness. Also inalienable in his opinion were the rights to freedom of speech and freedom of worship.

Time and again Jefferson asserted that he was a Christian, although his barbed attacks against denominationalism aroused almost every sect against him. The people of Massachusetts, for instance, were weighted down by "the deceptions under which they are kept by their clergy, lawyers, and English presses." His anti-Calvinist bias led him to complain "that Calvinism has introduced into the Christian religion more absurdities than its leaders had purged it of old ones."

The conclusions which he drew from his opposition to denominational dogmatism, however, were not anti-Christian, so far as he personally was concerned. With Voltaire, Jefferson advocated freedom of worship as the only means of stirring up a hornet's nest of political difficulties. This eighteenth century concept of religious freedom was of course indispensable if the nascent United States should escape serious political trouble, the population of the 13 colonies representing all shades of European Chirstianity and some additional sects of their own.

For France, the problem was totally different. That regional tolerance was unknown which in the Britsh colonies made Pennsylvania a Quaker haven, Maryland a Catholic asylum, Rhode Island a refuge from Calvinist dogmatism, and Massachusetts a Puritan paradise. The Edict of Nantes had been revoked in 1685, and except for some Protestants and Jews, Frenchmen until the Revolution were Roman Catholic. Religious toleration in eighteenth century France was a philosophical theory, but not a political reality. Within the Church the upper ranks of the clergy were monopolized by the aristocracy, breeding among the lower clergy a smouldering dissatisfaction which led many into the anti-ecclesiastical camp of the Revolution.

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Moreover, nowhere except in Spain, was Jefferson's general statement more applicable than in France that "in every age the priest has been hostile to liberty. He is always in alliance with the despot, abetting his abuses in return for protection of his own." The disciples of Rousseau, among whom Robespierre became the most famous one, therefore, entered the French Revolution with the difficult problem of transferring the loyalty of the Catholic clergy to the new regime. Under the circumstances, separation of church and state seemed out of the question, because a measure of state control over the ecclesiastical appointees of the *ancien régime* was the only means of keeping counter-revolutionary tendencies in check.

In 1787 Billaud-Varenne, Robespierre's future colleague in the dreaded *Comté de Salut Public,* had written in his *Last Blow Against Prejudice and Superstition* (published in 1789), that the Church was a gangrened limb whose total amputation was necessary to save the body of French society. Church property should be confiscated, priests should become ordinary citizens, completely controlled by the state. Ritual was to be cut down to a minimum, the immortality of the soul being the only dogma permitted to survive.

When the de-Christianization program in France became official, Robespierre, then the committee-member in charge of the police, had no serious objections, but he was wholly out of favor with the atheist radicals who spearheaded the drive against the Church throughout France. The cult of Reason, an atheist triumph, was modified by its accompanying recognition of a Supreme Being. Few temples of reason were frequented by atheists so rabid that even this concession to monotheism was inacceptable.

A revolutionary state church established on the simplest doctrinal lines with ethical and moral underpinnings from Greek philosophy à la Rousseau was decided upon in principle in 1794. After a heated discussion within the "Politbureau" of the French Revolution, it was determined and issued as law (May 7, 1794), that the phrase *Temple of Reason* should be eradicated from the houses of worship to be replaced by "The French people recognizes the Supreme Being and the immortality of the soul." On June 8, 1794, Robespierre led a solemn procession in public celebration of the newly established festival of the Supreme Being and of Nature. The same law of May 7 also vouchsafed freedom of worship, but in a state run by a Jacobin committee of 12 not even an atheist was free to deny the officially proclaimed existence of a Supreme Being and the immortality of his own soul. All that Robespierre (who favored, in principle at least, religious toleration), could do was to kill a Jacobin motion that atheists should be purged. He insisted that the fight against atheism was best left to the potent works of Rousseau. In his public speech on June 8, Robespierre, a month and a half before his death, spoke of God who had given men, long suffering under the yoke of despotism, the strength to battle for justice and freedom. He thus put a torch to an allegorical contraption representing atheism which duly went up in smoke.

In short, Robespierre like Jefferson believed in a supreme power, disbelieved in Christian dogmatism, and objected to the interference of the clergy in secular affairs. Freedom from dogmatism and political interference was a goal common to both men. Jefferson, however, found the Biblical writings sufficient inspiration, while Robespierre went into the bloodless realm of abstract moral speculation for the ethical code on which to found republican society. Both men favored freedom of worship, but Jefferson had merely to forge into the national constitution what had to a large extent been a social reality in the different colonies. Robespierre had to break the stranglehold which a powerful church had imposed for many centuries upon the French people, a stranglehold abetted by the monarchic order. Toleration of sectarianism therefore, would be meaningless in a France which knew no important sects outside the Church. A monolithic heirarchy devoted to monarchy had, therefore, to be transformed into one loyal to the republic. Freedom of worship thus could only be granted by cutting down dogmatism to such a minimum that all but atheists could subscribe to the new state cult.

Although Robespierre failed and Jefferson succeeded, the entire history of France since the days of the Jacobins has proved that the

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organized church at all times remained lukewarm or openly hostile towards the successive attempts to establish a durable democratic government in France. The relations between the four French republics and the Church have almost never been cordial, seldom neutral, and often inimical. Nor was, of course, American toleration completely successful. The history of sects like the Mormons, Jehovah's Witnesses, and Quakers demonstrates that religious persecution, or at least bias, is still occasionally with us.

The juxtaposition of both men in the matter of freedom of speech and freedom of the press was equally based on the difference of their outlook. Jefferson, steeped in the liberal English tradition which since the days of Locke had advocated such freedoms and realized many of them both in England and in the British colonies of North America, merely continued a historical trend when he fought for definite recognition of these rights in the new American Constitution. France had never known a modicum of such liberties. Writings of Voltaire and Rousseau had been condemned to the flames by official ukase. Whatever leeway had been given oppositional writers had been dependent upon the power of their noble protectors and was certainly not accorded as a matter of inalienable right.

For Robespierre, however, the establishment of freedom of speech and of the press was a goal to be reached. No one more ardently espoused these aims than he. But in a France at war with all major powers of Europe except Russia, a France in which the institutions of a thousand years though toppling still had numerous and powerful defenders, he was forced to make painful distinctions between the harsh present and the glorious future after the French republic would be safely established. Words both spoken and written only too often became their authors' death warrants. His only friend and former fellow-student, Camille Desmoulins, was sent to the guillotine by Robespierre for what he had written in the *Vieux Cordelier*. Like Calvin in the case of Servetus, Robespierre did not let former personal ties deflect him if murder had to be committed *ad majoram gloriam* of the cause. As Lenin, and perhaps even Stalin, assumed that socialist freedom would replace the merely transitional dictatorship of the proletariat, Robespierre a long time ago hoped for an age of liberty after the necessarily dictatorial reign of the *Comité du Salut Public* and its Jacobin supporters.

In their attitude towards state interference in economic life, Robespierre and Jefferson differed perceptibly, but not decisively. Like Locke, Jefferson believed that, "The earth belongs in usufruct to the living; that the dead have neither powers nor rights over it." Yet it never occurred to him to draw the logical conclusion that inheritance would be incompatible with such doctrine. Neither did he refuse to accept what he inherited nor did he hesitate to bequeath what little he left to those whom he wanted to have it. "The portion occupied by an individual," as he expressed himself to Madison in 1789, "ceases to be his when himself ceases to be, *and reverts to the society.*" Yet he found a way to reconcile this theory with acceptable reality: "If the society has formed no rules for the appropriation of its lands in severality, it will be taken by the first occupants, and these will generally be the wife and children of the descendant." At any rate "no man can by *natural right* oblige the lands he occupied . . . to the payment of debts contracted by him."

The primary claim of society, alias the state, to all land and, by implication, all private property as a whole, was therefore accepted by Jefferson as it was by Hobbes, and very grudgingly by Locke. There was no inherent sanctity of private property, according to Jefferson. Nevertheless he conceded, piquantly enough to none other than Dupont de Nemours, founder of today's industrial empire, that "a right to property is founded in our natural wants, . . . and the right to what we acquire by those means without violating the similar rights of other sensible beings." Freedom of property, as he put it, was happily anchored in the constitutions of most states of the union. Yet his often repeated assertion of the sacred right of the majority to establish its will as law even by a majority of a single vote, contained the necessary safeguard that in case of conflict the interests of the majority were rightfully able to override the property rights of a minority and, of course, those of a single in-

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dividual. The law of eminent domain was clearly a necessary corollary of the freedom of property.

Robespierre, on the other hand, saw before his very eyes the collapse of whatever sanctity of property had once prevailed. The partitioning of the feudal estates amongst the peasantry, the wholesale confiscation of emigrée properties, the annexation of church lands, these were revolutionary trends which even without active encouragement from him were the events of his day. Nor could even Jefferson in his heated denial of hereditary rights contest the necessity of redistributing French lands hitherto exploited by secular and ecclesiastical lords through millions of poverty-stricken serfs. The first years of the French Revolution were, therefore, not propitious for the expounding of the theory that private property was sacred. Legally, high-treason in all ages was grounds enough for confiscation of the culprit's estate, and in revolutionary France those opposing the new order were summarily branded as traitors. Hence from the legal point of view, a thin justification existed for the wholesale expropriations.

There is a division of informed opinion on the extent to which Robespierre backed St. Just's radical levelling schemes aimed at a complete redistribution of wealth. St. Just's *Republican Institutions* at any rate were outdistanced by the far more radical communist views proclaimed by Billaud-Varenne, his fellow member on the *Comité de Salut Public*. In his *Elements of Republicanism*, published in 1793, this close colleague of Robespierre denied the right to live without working and insisted on everybody's "inalienable" right to employment. Equal distribution of all confiscated property was the first step towards an equalitarian society with ceilings on the maximum individually owned acreage.

These views were based on the idea of the social contract and can, therefore, not have been wholly alien to Robespierre's way of thinking. Actually, though, we possess too little accurate information about his stand in these matters. Ethical and moral reorganization captivated him more than economic problems, but it seems certain that he went along a good deal of the way with his radical colleagues.

In the spring of 1794 the Committee, apparently without any dissent from Robespierre, hatched a batch of laws allotting lands to needy patriots. These properties were to be confiscated from persons of suspected loyalty. Sums realized from the sale of lands other than those redistributed would go to the public treasury to finance relief payments for indigent patriots. The inherent discrepancy between charity payments and actual redistribution of tangible assets was hardly noticed in the welter of revolutionary activities of that fateful spring, and in any case the laws were not carried out.

The original revolutionary policy of establishing ceilings on everything but wages was altered: labor was now also strictly controlled, and wholly dependent upon the revolutionary government for any betterment. Capital and labor, therefore, united against the Jacobin dictatorship. One may conclude that on the whole Robespierre's views concerning private property were in conformity with those of Rousseau: gross inequality between masses of the poor and a minority of the middle-class or the rich were contrary to the social contract's intention and should, therefore, be remedied. Once the redistribution had ended the plight of the poor, the government might again firmly protect private property except in cases of public necessity.

The ultimate role of government in its relations with free citizens was envisaged along similar lines by both Jefferson and Robespierre. Anticipating much of the spirit and even the form of the Gettysburg address, Robespierre, a few weeks before his fall, addressed the French nation in the following terms: "Let us be . . . terrible in adversity, modest and vigilant in success. Let us be generous toward the good, compassionate toward the unfortunate, inexorable against men of evil, just toward all." The psychological obstacle in the path of blissful peace and freedom for all, however, was the urgency of the present against the remoteness of the future.

People who disagreed with Jacobin republicanism in general, and Robespierre in particular were at once credited with the most malignant intentions against the new regime. To be suspected was almost equivalent to being considered guilty, and only speedy

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flight (or going "underground"), would save a dissenter from prison or the guillotine. Thomas Paine, author of the *Rights of Man* and greatly respected by Jefferson, for instance, escaped the guillotine by a hair's breadth. If even men like Paine ran afoul of the Jacobin state, one can imagine how little it took ordinary people to become enmeshed in the web of revolutionary justice. To see a conspirator under every bed, a spy in every stranger, an enemy in every dissenter has always been characteristic of police-state dictatorships.

No man was more subject to fits of righteous wrath against all who disagreed with him than Robespierre. Eternal vigilance was, indeed, the price of liberty, but striking terror into the hearts of incorrigibles converted passive watchfulness into active protection of the newly won freedom from royal absolutism. Nor was even Jefferson greatly shocked by the wholesale executions of Robespierre's regime. In 1793, when Robespierre was at the zenith of his power and the terror at its peak, Jefferson (who, after all, knew France well) admitted, "It was necessary to use the arm of the people, a machine not quite so blind as balls and bombs, but blind to a certain degree. . . . The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood?" And in words which could equally well stem from Robespierre himself Jefferson concluded, "Were there but an Adam and Eve left in every country, and left free, it would be better than as it now is." His sympathy with the September massacre, however, did not lead Jefferson to blind acceptance of party-terror as a means of government. Looking back upon the French history of his time, he accused Robespierre, Napoleon, and Louis XVIII as being equally guilty in wrecking France's chances for a free government.

Some modern historians have held that Robespierre and his *Comité du Salut Public* tried to establish the firm, centralized government of a modern state in France. Their failure has, it is said, prevented the formation of a strong executive in France ever since. The shadow of the terror was too sinister a memory to overcome. Actually, Robespierre and his followers were the first Europeans who converted a democratic regime into a one-party dictatorship. Their plea of national emergency as an excuse for absolute terror, their constant promises of a morally rejuvenated free future for everyone, and their method of government by commissars have been aped by the Marxist luminaries of Russian communism in our own time. What ruined Robespierre was the old-fashioned half-heartedness which left ultimate control to a parliament in which his party had only a minority. Once that frightened majority asserted itself, the terrorists were lost. No army came to their support. The fall of Robespierre in July, 1794, marked the end of the first attempt at totalitarian government in modern times, a government which considered any opposition as high treason *per se*.

It would, however, do our present hysterical witch-hunters some good to re-read Jefferson, who, in contrast to Robespierre, preached a theory strangely akin to the late Trotsky's "permanent revolution." Could a man become president today—or hold an important job with the atom sorcerers—who believed "a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical. . . . It is a medicine necessary for the health of government. . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants!" For Jefferson government was a necessary evil; personal freedom, an inalienable right. For Robespierre government was a necessary means of forcing all citizens into a mold in which they would agree that the government's ideals of morality and personal liberty were their very own. Then and only then might man be relieved from totalitarian terror. Robespierre died before realizing the inherent fallacy of his argument. Stalin still lives.

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We have no cause for fear

German Nationalism

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GERMAN political life is awakening from the stupor of disillusionment and misery in which it has lain since the Nazi collapse. The currency reform of June, 1948, soon supplemented by the first effects of the Marshall Plan, brought the seemingly moribund German economy back to life. Industrial production doubled. The reconstruction of the war-torn cities, which had progressed at a snail's pace up to that time, soon went into high gear, even though the unprofitable construction of dwellings lagged perceptibly behind the reconstruction of shops and factories. The food supply improved. The rationing of potatoes and vegetables was abolished, and meat, which in the beginning of 1948 had been absent from city rations for three months, is available regularly now, even though in small rations and at a price which poor people cannot often afford.

Such a period of halting recovery is bound to be a period of social tension and of political crisis. When, during the summer of 1945, General Eisenhower came to realize what certain Allied policies in Germany meant, he warned that "a hungry people is a desperate people." Apparently he expected revolutionary unrest during the following winter. This was a natural expectation, but it overlooked the fact that people close to starvation do not have the physical or mental energy to revolt. The struggle for daily existence absorbs every waking moment; the hunt for food, shelter, and clothing supersedes every other preoccupation. At the moment when the bare essentials are again available, however, a psychological awakening sets in, during which the pent-up reactions of the preceding period tend to explode. In the case of Germany, revolutionary upheavals are even now a moral as well as a physical impossibility. There is, however, a renewed interest in public affairs, and the election for the West German diet of August 14 brought much to the surface which had previously been hidden under a cover of sullen resignation. Dissatisfaction with major policies of the Western Allies plays an unexpectedly large part in current campaign oratory, and is expressed by the leaders of all parties.

There are two ways of looking at this development. The most convenient is to regard German criticism of Allied policies as proof of the existence of an incorrigible nationalism. In view of the record of some of our correspondents in Germany, it was natural that they should interpret events in this fashion. An A.P. dispatch, dated July 30, begins with the following remarks:

> West German political leaders are abusing the western allies and almost ignoring the Communists in their drive for votes in the Aug. 14 elections.
>
> Charges of deceit and arrogance, greed and repression are hurled at the United States, France, and Britain.
>
> Candidates center their fire on the allies' security program, intended to prevent future German aggression. Singled out for attacks are the dismantling of German factories which produced war materials, the international Ruhr authority, and the military security board. The issues of Germany's territorial losses in the east and west also are raised.
>
> In effect the Germans are serving notice that the anti-Communist parties will present a solid front against many of the allies' basic policies when the German federal republic is formed.

The author of this dispatch must be unaware of the fact that what he regards as a manifestation of German nationalism could

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just as well have been termed a critical, if unbalanced, evaluation of Allied policies in the light of Allied ideals and Allied interests. Quite properly, dismantling is mentioned first. Among those policies for which the Western Allies are responsible, it stands out in the depth of the resentment which it has created, and the bitterness of the complaints to which it leads. The plants now being dismantled are, however, not "factories which produced war materials;" it was stated officially more than a year ago that the dismantling of war plants was completed. The productive facilities now being dismantled are related to a possible German war economy only in the sense that in modern war all industry is related to the war effort. The logic which calls for their destruction is a remnant of the original Morgenthau plan. The situation calls for the type of comment made by the well-known economist, Dr. Melchior Palyi who, in a memorandum dated October 12, 1948, warns against "the flimsy excuse that new policies are at the eve of introduction" and continues: "The more the policy changes, the more it remains the same. The Morgenthau-boys, American as well as British, still roam the bizonal pastures, and do so to the great detriment not only of Germany but of Europe as a whole, and of the United States as well."

DISMANTLING

It must, of course, be borne in mind that American assistance to Germany is considerable, and that our E.C.A. representatives work hard to make Germany a self-supporting and self-respecting country again. A recent E.C.A. report, however, stated frankly that if present trends continue, the German economy cannot be made self-supporting by 1952, and that, if Marshall Plan aid for Germany ends according to schedule, the bottom will fall out of the German economy. The plants now being dismantled are an important element of a workable peace economy. It matters little that production in Western Germany is close to the 1936 level, since about nine million expellees have been added to the population. If productive work is to be found for these people, billions will have to be spent to create new plant capacity. Reconstruction of war-damaged buildings requires additional billions. Lastly, if the artificial barriers erected between Western and Eastern Germany are not removed, it will be necessary to build plants in the West which produced what used to be bought in the East.

The official explanation of Allied policies angers the Germans as much as the policies themselves. Dismantlings, for example, are called "reparations," and the Germans, who have offered repeatedly to help in building new plants in the Allied countries, are chided for their alleged unwillingness to rebuild, in small part, what their armies destroyed. Their answer is that the term "reparations" is derived from "repair," and that all that dismantlings can do is to destroy. *The New York Times* (editorial entitled "Dismantling Economics," January 29, 1949), summarized the economic aspects of the matter as they apply to the largest plant subject to this process, the August Thyssen Works in Hamborn:

> The present technical productive value of the plant is put at 370,000,000 new German marks, officially valued at 30 American cents each. But the reparation value of the plant to be credited to Germany after dismantling is put at only 40,000,000 marks. However, the dismantling costs, which do not go to the credit of reparations and represent an additional burden on the German economy, are put at 65,000,000 marks. Furthermore, the cost of transporting and rebuilding the plant elsewhere is put at some 300,000,000 marks more. And then its productive value at a new site and with new labor would still be problematical.

The sum-total of the transaction, therefore, constitutes a minus item of considerable dimensions. Ultimately, the burden falls on the American taxpayer, who has to foot the bill both in the form of a subsidy for German imports, and in the form of E.C.A. funds. The latter should, of course, serve strictly constructive purposes. In Germany, the so-called "counterpart funds," resulting from the sale within Germany of E.C.A. goods, are now being made available for investment; the sum allotted for the first year is 263 million D marks. Of this figure, 35 million will be used to increase the production capacity for fine iron sheeting, which at present constitutes one of the major bottlenecks in the Germany economy, and which is among the

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products of the August Thyssen Works, where the respective facilities are destroyed together with others.

Whenever these facts are mentioned, Allied representatives will answer that economic considerations are secondary because "security comes first." Much could be said on this topic; (for some details see my article, "The Potsdam Policies," *Forum,* February, 1946). Suffice it to quote what *The New York Times,* in an editorial entitled "Policy and Reparations", said on May 15:

> The festering sores of an overpopulated and underproductive Germany and an overpopulated and underproductive Japan would be the breeding ground for precisely the type of social infection that we fear and oppose. If the world is to have peace and democracy it must have social and economic health. That goes for our former enemies as well as for our allies.

Dismantlings in Japan have now been stopped; they might well have been stopped in Germany had the decision been up to the United States alone. English and French spokesmen are now the principal defenders of the Morgenthau legacy. The average German is firmly convinced that the official explanations of both countries are *Quatsch* ("bunk"), and that commercial rivalry constitutes the real reason. While this reaction is due to oversimplification, it fits the apparent facts so closely that it is difficult to dispel. Its basic defect consists, of course, in overlooking the sheer irrationality which is the dominant feature of war-time psychology, and which the misdeeds of the Third Reich have allowed to rise to a peak not reached in other wars.

EXPELLEES

The factor which, next to dismantling, arouses the strongest anger in Germany, is the territorial truncation of the country, and the expulsion of more than ten million German-speaking people from the homes in which the ancestors of some of them had lived before the first white settlers came to the present territory of the United States. Among the nine million expellees who have been crowded, homeless and friendless, into Western Germany, one always hears, in particular from simple people, again and again the question: "When shall we be able to go home?" This is the background of the agitation for the return to Germany of the lands east of the Oder and Neisse rivers. Before we condemn such claims as nationalistic, let us recall that the American delegation to the Moscow conference of 1947 demanded the return to Germany of at least part of the eastern provinces placed temporarily under Polish administration. What can be done about this demand is another matter, and it is quite likely that German campaign orators have raised the issue without much regard for practical possibilities.

Similar considerations apply to the other issues raised in current German discussions. An admirably balanced editorial entitled "German Election Campaign," in which *The New York Times* surveyed the situation on July 18, put the emphasis where it belongs even before the latest batch of sensational dispatches had appeared. To quote but the concluding paragraph:

> It is, of course, easy to denounce the German campaign slogans as a revival of German nationalism which must be suppressed. But, as General Clay told the Germans, it is necessary to distinguish between a chauvinistic nationalism that seeks to conquer other nations and has been outlawed, and a nationalism which merely represents the natural love of the Germans for their homeland and their desire to see it united under their own government. The Western Powers have themselves invoked the latter German nationalism in their struggle against the Russians, and as long as German nationalism remains within these bounds it will be difficult to object to it in the West while encouraging it in the East. In consequence, while it is necessary for the Germans to face the realities of their situation and refrain from turning their election campaign against the West, it will be also necessary for the Western Powers to take account of the fact that this kind of nationalism does exist and is bound to find expression in the election campaign. For only then will it be possible to avert a split between the West and the Germans and to realize the aim of a United Europe which both sides seek.

What the Germans must bear in mind is the difference between a reasoned case and unreasoning resentment. That the latter is widespread in Germany becomes obvious to any visitor who has the patience to listen to the list of complaints which Germans are

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likely to submit. There is a tendency to reduce all Allied motivations to the simple formula, *Sie wollen uns kaputt machen*—"They want to grind us down." Since *some* Allied policies are indefensible, it is concluded that *all* of them are. If we are willing to accept German complaints when they are justified, we have the duty to add that criticism of Allied actions on the count that they violate Allied ideals, as laid down in the Atlantic Charter, involves the acceptance of the ideals themselves as binding upon the critics. The suggestion of a new German orientation towards power politics, based on possible cooperation with Russia, should be too preposterous to receive serious attention.

Responsible Germans would do well to look to those sectors of public opinion in the Western countries—they exist in France and England as well as in the United States—which seriously work for a constructive policy. These sectors have been gaining ground in recent years and are still gaining ground. The hard logic of facts drives home their arguments more forcefully than the mere pleading to which they were reduced three or four years ago. Meanwhile, everything depends upon whether responsible—even if at times irritated—political leaders will retain the allegiance of a majority of the German voters long enough for a change in Allied policies to become effective.

This is not certain. Extremists are raising their heads in Germany, endeavoring once more to ride to power on the basis of the misery confronting many of their countrymen. Attacks are not limited to the Allies; the choicest barbs are preserved for the "Quislings," which means the leaders of Germany's democratic parties, as well as the editors of licensed newspapers, and everyone who is in any way cooperating with the occupying powers. The black-red-and-golden flag of the Weimar Republic, now for the first time accepted by the majority of German Protestants, is again referred to by Rightist agitators as "that dirty rag." Some of these people are merely nationalistic; others speak openly of a new National Socialism, which, they add, would be a National Socialism without concentration camps. They overlook the fact that their illusions are not without precedent. The majority of those who voted for Hitler before 1933 did not want concentration camps, either.

Little could be gained by discussing one by one the half dozen or so groups which are actually or potentially nationalistic or even National Socialist. None of them is as yet of major importance. There is a constant shifting among them, as new formations arise and older ones fade out. The sensational reports on individual groups which have appeared in our newspapers are misleading. They give unwarranted publicity to obscure figures, most of whom will soon be forgotten. What matters is the general condition which provides a favorable breeding ground for irresponsible agitation.

MAJORITY SYSTEM

Difficult social and economic conditions are not the only factors which influence political behavior. Heavy rains do not have to lead to floods; the people living in or near river valleys have usually built dikes to keep the flood waters in safe channels. Similarly, there should be political dikes to ward off the flood waters of political extremism. The countries with the oldest democratic traditions rely upon the majority system of voting for such protection. Extremists find it difficult to overcome this barrier, as was demonstrated in France last March when, in the provincial elections, for which the majority system had been re-established, the Communists secured about one-tenth of the seats which proportional representation would have given them. Furthermore, experience under the majority system shows that when extremist groups are defeated year after year, their popular voting strength declines. More and more of their followers tire of "throwing their votes away" and join more moderate parties, which then have the chance to assimilate them. Rightist extremists are more likely to suffer from this process than Communists; the latter are in most cases too well organized, and too much buoyed up by moral and financial support from Russia to succumb quickly.

Germany is in an unusually favorable position in this regard, since Communism is at a low ebb as a result of the Russian sponsorship of expulsions, of the treatment of prisoners of war in Russia, and the oppression prevailing in the Russian zone of Germany.

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Under a majority system, hardly a single Communist candidate would be elected. The organized Rightists are as yet so weak that under a majority system they would do no better than the Communists. It must be borne in mind that the reintroduction of the majority system would do away with the top-heavy bureaucracy from which at present the democratic parties, and in particular the Social Democratic Party, suffer, and which makes them so unpopular. Where the final unit for electoral decisions is a small, single-member constituency, party organization must grow from below and remain close to the people. The German democratic parties would, therefore, be more truly democratic and more popular under the majority system than they are now under the varying forms of P. R.

The system of P. R. used in the elections for the "Federal Republic of Germany" contains, thanks to the last minute intervention of the Allied Military Governments, certain safeguards. Thus no party secures seats within a *Land* unless it has won a plurality in at least one constituency, or won five per cent of the total vote. Few of the minor parties, and this includes the nationalistic groups, can, at the moment, comply with these requirements. An intensification of the political crisis, or a consolidation among the Rightist groups could change this situation overnight and, of course, the remaining P. R. features of the election law suffice to exclude the possibility of a democracy with real vitality. Therefore, if German democracy is to have real protection against extremism, it will have to heed the example of the Anglo-Saxon countries, and adopt the plurality system without weakening compromises.

The near future will show whether effective barriers will be established in time against German nationalism both in the economic and in the political field. It would be easy for us to react to irritation by counter irritation, and to adopt new restrictions, but this would have no effect except to make things worse. The points on which German complaints are justified are more numerous than those discussed above. It is imperative to resurvey the entire field and to ask which parts of our German policy serve a constructive purpose, and which of them are anachronistic remnants of the Morgenthau period. It was assumed then that everything done to hurt Germany was good, and that Russian goodwill would be earned automatically by being "tough on the Germans" and supplementing this (as high Treasury officials were still willing to do at a late stage of the game) with a multibillion dollar loan to our erstwhile Easten ally. We have become more realistic in regard to Russia, and might well become more realistic in regard to Germany too.

The administration has a chance to make a new beginning with the assumption of our representation in Germany by Mr. John J. McCloy. What Mr. McCloy has done, or announced, during the first weeks of his tenure points in the direction of understanding and constructive work. He will, however, not succeed unless he gets a measure of support in official Washington which was denied to Generals Eisenhower and Clay. Nor will his task be facilitated if, as happened to Mr. Paul Hoffman when the latter sought to implement the Congressional mandate calling for a re-examination of German plants scheduled for dismantling, he is termed a "Germany firster" in one of our leading newspapers. Finally, if our Western Allies repeat that what they understand under "security" comes before economy, their attention might be drawn to this country's budgetary situation, and its effects upon the Military Assistance Program. This might cause them to realize that an economically sound Germany is as much required by the interests of England and France as it is required by the interests of the Germans, and of the American taxpayer. If the Western Allies act on this assumption, and if at the same time they see to it that the moderate parties in Germany erect the necessary electoral barriers against radicalism, German nationalism will never become a serious threat.

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When the Pope came
to the South

The Popish Plot of 1928

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AS AN exhibition of religious tension, prejudice, and fanaticism there has never been anything in American history like the Al Smith-Herbert Hoover Presidential campaign of 1928. Not even the Know-Nothing elections of the 1850's or the violent and even bloody attacks by "nativists" on the Irish-Catholic communities in Boston, New York, and Philadelphia, which broke out sporadically in the decades before the Civil War, can compare in range, scope, and sustained length of time with the hysteria of 1928. For the first time in American history, a practicing Roman Catholic was nominated by a major political party for the Presidency of the United States. Old Puritan animosities and fears, long buried in our seventeenth century past, came to the surface again, and like a long pent-up volcano spewed out a black and evil lava of suspicion and hate.

Indeed, to find anything like a parallel in the English-speaking world, we must go all the way back to Restoration England, to the Green Ribbon boys of Shaftesbury, to the hysteria of the 1670's, to the Popish Plot of Titus Oates, when good Protestants looked under beds and into closets each night for fear that bloody Papists were hiding there ready to stalk them while they slept.

Nowhere in the country did the fires of religious intolerance burn more fiercely during the campaign of 1928 than in the South. In large areas of the homogeneous, inbred, native-American, Anglo-Saxon, Methodist-Baptist South, a real live Catholic was a rarity. For the most part Catholics were known only from hearsay or from the hoary old books inherited from the Puritan fathers. Large parts of the South were inhabited by the Scotch-Irish, where the anti-Catholic traditions of Ulster and the Orangemen still lingered. The mercurial and volatile Southern temperament gave a gasconading and even a primitive appearance to religious intolerance.

As a young man in my early twenties, I was pitchforked into the very midst of this religious hysteria and saw it in many of its colorful and ugly aspects. At the time I was a young law student and part-time instructor in political science at the University of Florida. I had been in Florida only a few years, and it was well known that I was a newcomer and a Northerner. Yet in spite of my extreme youth, my recent removal to the South, and my Indiana birth and up-bringing, I was asked by the Florida State Democratic Committee and by the Democratic National Committee to speak in the leading cities and communities of Florida and Southern Georgia. No one in these parts got a bigger billing than I did, made more speeches for Al Smith, and had as large or as important meetings.

The fact that a mere stripling and a "foreigner" was called upon to play so leading a part in a presidential campaign in the deep South illustrates the extraordinary nature of the canvass. Democratic leaders here and there were repudiating Al Smith and coming out publicly for Hoover. Many prominent Democrats were holding back, and many of the old-timers were reluctant to take part in the campaign and were sulking in their tents. Some made no announcements at all during the entire campaign. Others made lukewarm statements facing both ways. Many of those who did take to the stump did so with obvious lack of enthusiasm. Even orators of established reputation who really wanted to help were ineffective because for years in easy and one-sided elections they had

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gone up and down the country-side mouthing mellifluous platitudes about the glory of the Democratic Party. They had never learned to discuss controversial issues in a close and contested election. The people wanted to know about Al Smith and Tammany, and these old-timers fought the War Between the States. The people wanted to know about Al Smith and Prohibition, and they heard about the issues of Reconstruction. Above all, the people wanted to know about Al Smith and Catholicism, and they were fed florid orations about Jefferson, Jackson, Wade Hampton, John B. Gordon, and Woodrow Wilson.

It was in this situation that I was asked to play a leading part in the Democratic campaign in the Southeast. In spite of my short residence in Florida, I was already known as a public speaker. I was "red hot" for Al Smith, and my heart was passionately in the campaign. I was willing to discuss the real issues of the canvass—Tammany, Prohibition, and Catholicism—and I did discuss them in a direct, vigorous, and clear fashion.

SOCIAL DIVISIONS

As I traveled from community to community, I soon learned that folks were stirred by the religious issue as they had rarely been stirred before and that 1928 was to be a strange and bizarre campaign. The Smith-Hoover feud was producing sundered friendships, personal quarrels, community conflicts, and social divisions on a scale that today seems unbelievable.

When I attended noon luncheons at civic clubs, I frequently found that the Al Smith supporters were seated at their tables and the Hoover people at theirs. In town after town I heard of Al Smith grocery stores and Hoover grocery stores, of Al Smith butcher shops and Hoover butcher shops, of Al Smith drug stores and Hoover drug stores. Al Smith supporters boycotted Hoover barber shops and Hoover supporters boycotted Al Smith barber shops. And, of course, the women were belligerently divided; there were Al Smith teas and Hoover teas.

Deep schisms appeared in religious congregations. Many preachers, particularly among the fundamentalists, made their pulpits sounding boards and called for the defeat of this modern anti-Christ in the person of Al Smith. Those of us who were taking a prominent part in the Democratic campaign were often singled out for denunciation from the pulpit. In my own case, a prominent fundamentalist minister was reputed to have declared from his pulpit that every hair in my head should be torn out by the roots. Many Al Smith supporters took to staying away from church, and some church members actually seceded from their congregations.

Prayer meetings, ladies' aid societies, missionary circles, and even Sunday schools were organized into political clubs to encompass the defeat of Al Smith.

I was not out on the hustings long before I realized that the Democratic state and county organizations were disintegrating under the steady impact of anti-Catholic penetration. Ardent Al Smith supporters had a way of slipping up to my hotel room to warn me that the county chairman who would introduce me that night and many members of the county committee who would sit on the platform were themselves going to vote for Herbert Hoover on election day. In most cases, I think, those informers were telling me the truth. I observed the politicians in question closely. In almost every case, the suspicions of my informers were verified. In such situations I would be received with perfunctory civility and introduced coldly. No word of encouragement or even of interest in the campaign was expressed. Conversation on these occasions was reduced to topics about how I liked my hotel, where I could get a good meal, and the state of the weather.

In some counties no Al Smith rallies were held at all. Sometimes I would get word from the state or national committee that a big meeting would be held at a certain place and at a certain time. I would travel to that place at the official request of the state or national committee. When I got there, I would be told by the local county chairman that the meeting had not been arranged or that the meeting had been called off. The excuse generally given was either that the county was safe anyway (which it certainly was not!), or that the local party leaders had decided to let sleeping dogs lie, that it was thought better not to stir up anti-Smith sentiment by sponsoring a Smith rally, that the party leaders hoped that mere inertia and party orthodoxy

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would be enough to carry the day for the Democrats without discussing the issues of the campaign at all. Evidently the local leaders did not have the courage to tell this to state or national headquarters.

Violence and threats of violence flared up. At one time several Klansmen in full regalia paraded by our meeting. The atmosphere was ominous and many in the audience were frightened and hurriedly left the meeting. At another time I spoke within the glare of a flaming fiery cross. I was compelled to halt my talk repeatedly at one meeting while groups in the back of the hall intoned "cross back, cross back," the colloquial expression in these parts for a Roman Catholic. Frequently in speeches and in radio broadcasts I had to interrupt my talk to reassure hearers that I myself was not a member of the Roman Catholic Church. The night I spoke at Eustis in Lake County I was warned by Bill Igoe, a State Senator and later Secretary of State of Florida, that a group had organized to heckle me and to break up the meeting if they could. That tip-off stimulated me to make one of the boldest and most fluent speeches of my life. I spotted the disturbers as soon as I took the platform, and I continued to watch them out of the corner of my eye. I resorted to some old-fashioned spread-eaglism and even demagoguery that night, but as I gained the confidence of that audience I could see the hopes of the mischief-makers gradually ooze away.

I had never before and I have never since talked to the kind of audience that faced me in this grotesque campaign. They were restless and inattentive during the delivery of canned speeches by the party veterans who usually preceded me on the program. When I first arose and began speaking, there was the same listlessness and inattention, but as I proceeded and launched into the actual issues —*the* actual issue—the audience would quiet down, and soon there was a death-like silence. They sat there immobile, with every eye fixed on me. They did not miss a word. For I was actually talking about the things they had come to hear.

I told them of the American dream of liberty for all regardless of birth, origin, background, or creed. I enumerated the long list of Catholics who had served the country in high positions. I spoke of the American tradition of religious freedom and of separation of church and state. I invoked Jefferson and referred to the long fight of the Democratic Party against anti-Masonry, Nativism, Know-Nothingism, the American Protective Association of the 1890's, and the Ku Klux Klan of the 1920's—the party's honorable tradition of opposition to movements that would shamelessly proscribe our American minorities. I even went into the intricacies of politics in foreign countries, how there were clerical Catholics but how there were also anti-clerical Catholics, and told how politicians and statesmen who were Catholics in religion often took liberal and even radical positions in politics. By this time their interest was intense, their attention galvanized.

But they sat there with enigmatic, inscrutable expressions. They were unmoved and unconvinced. A soul-pervading prejudice that went to the very marrow of their bones, a prejudice which kept insisting that no Catholic should be President, made them impervious to rational arguments.

I shall never forget a monster rally at Lakeland in Polk County. It was on a Saturday night, and it was staged in the public park which is surrounded by the main business streets. All afternoon loud-speakers had blared forth alternately announcements of the meeting and renditions of the Al Smith campaign song, *The Sidewalks of New York*. By eight o'clock the park and the sidewalks around the park were jam-packed with people. The crowd even extended out in the streets in all directions. As I began speaking, this huge outpouring of people quieted down, and as I developed my theme of religious toleration, the quiet and deathly impassivity settled over the people. Even the noise of busy Saturday night traffic on the surrounding streets seemed to be cut by the terrible and pervasive silence of that crowd. Occasionally I cast a glance at the expressions on the faces of the "leading Democrats" who had seats on the platform. The chairman was a picture of Oriental inscrutability. A member of the United States House of Representatives sat there without so much as a flicker to denote what he was thinking and feeling inside. A United States Senator from Florida, himself a candidate for re-election

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that year, sat there as expressionless as a stone. After the meeting was over, a group of loyal Al Smith supporters gathered around me to offer enthusiastic congratulations, but most of the vast audience, including many of the platform guests, stole away like thieves into the night, as though they were ashamed of their own inner feelings.

Frequently a member of the audience would wait for me after the meeting to express alarm over the state of my soul. One night a well dressed, cultivated little lady came up. She carried with her a Bible, frayed and worn at the edges. She seemed gentle and rather well educated, but at that moment she had that fateful glint in her eye. She informed me that I was a thoroughly bad and dangerous fellow to be advocating the election of a Roman Catholic to the Presidency of the United States. Should I succeed in what I was trying to do, she and thousands of devout Protestants like her would be burned at the stake as the martyrs of old. Her black eyes pierced me as she foretold how, Bible in hand, she would march bravely to the stake.

On another occasion, there was the episode of the two troubled Crackers, man and wife, upon whom I played a mean hoax, which I later regretted. They came up to me one day at the conclusion of a rally out in West Florida. The husband explained to me that he was a Methodist and his wife a Baptist and that they could not bring themselves to vote for a Roman Catholic. By this time my temper was getting a little short, and I replied frivolously that they had nothing to fear for while Al Smith had been reared a Roman Catholic he had recently joined the Congregational Church. Both expressed surprise and finally the wife said that she did not know what a Congregationalist was. I replied that so far as I could discover a Congregationalist was a cross between a Methodist and Baptist. That made everything all right. They would vote for Al Smith.

In the heat of the campaign, I was stopped by an irate citizen who asked angrily did I not know that the Pope of Rome was coming to settle in America if Al Smith were elected. I replied that I knew it and that in fact I had inside information that the Pope and his dear wife and two charming daughters were already planning to come to America and to settle in Florida because Florida had a mild climate like Italy.

There was, of course, a brighter side. I shall never forget the warm and responsive rally at Tampa. The courthouse was packed with people. Many in the audience were Spanish, Cuban, and Italian, for Tampa contains a large Latin population and most of that population is, of course, Catholic. These people deeply resented the slanders on their faith, and they were hungry to hear a spirited defense of Al Smith and of religious toleration. I gave them just that. For about two hours I poured forth a hot and passionate plea for the maintenance of the true American way—the Bill of Rights, religious freedom, the protection of minorities of every race, religion, class, and creed. They yelled and laughed and cried; they stood up in spontaneous enthusiasm; they crowded the rostrum after the speech to embrace me and even to kiss me. What compensation for the passive immobility of the nativist audiences! (In later years, however, I have looked upon the ardent enthusiasm of that predominantly Catholic audience and wondered if many there were not supporting Smith merely because he *was* a Catholic. Irrational conduct begets irrational conduct, and the intolerance of the majority forces the minority to react defensively.)

Immediately after my speech, a reporter from the *Tampa Tribune* elbowed his way through the crowd which surrounded me and said, "Young man, people like you either touch the stars or go to the gutter," and with that he reeled around and abruptly walked away. The next morning the *Tribune's* editor, Ed Lambright, hailed me as one of the state's great orators and coming leaders. Editor Lambright made a gallant fight for the Democratic Party during the campaign of 1928, and his personal words of encouragement helped to make bearable the gloom, the disappointments, the mass prejudice and irrationality, the rancor, the hatred, the savagery, and the dank medievalism which for the most part constituted the campaign of 1928.

There were other compensations of a personal nature. Great friendships were forged in the comradeship of common purpose which

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welded together the little band actively fighting for the proposition that no man in America should be proscribed merely because of his religious faith. In this connection I recall an engagement of mine in Lake City, Columbia County. In order to get to Lake City in time to fill my speaking date, I caught a ride in a truck. The truck took me to the home of a man who was to be chairman of the meeting. He was out on his porch waiting for me and was a little surprised to see me come bounding out of the back of a truck. But my host was even more surprised when I came close enough for him to recognize me. Only a month previously I had sat in the courthouse at Lake City and heard myself and a friend of mine, on trial for reckless driving, castigated before a rural jury by this very man as being typically irresponsible college students from the state university where socialism, atheism, and dread Darwinism were taught. He looked me over, blinked, and seemed to say to himself that just anything could happen in a campaign as crazy as that of 1928. That night, if he had any qualms, he did not show them. He introduced me handsomely—in the very same courtroom where a few weeks before he had denounced me as a thoroughly depraved fellow. And I tried not to disappoint him and put even more effort into my speech than usual. From that night on we became fast friends, and my host, an able man, later became a distinguished chairman of the Democratic State Committee of Florida and a dispenser of Jim Farley's patronage in these parts.

Additional memories of an agreeable kind crowd into my mind. The spectacle of the veteran United States Senator Duncan U. Fletcher stumping Florida with the vigor and enthusiasm of a young man in a brave attempt to stave off party collapse. The able defense of Al Smith made at Orlando by Josephus Daniels, about whose loyalty to Protestantism and the South there could be no question. My own acquaintance with Opie Read, the humorist. In spite of extreme age, Read was stumping Florida indefatigably for Al Smith.

In the closing days of the campaign, the Democrats of the deep South made increasing use of the sentimental symbolisms of an older day. At one of my meetings a group of old South Carolina residents, dressed in the ancient and faded Red Shirts of the Wade Hampton movement of 1876, paraded into the hall and took seats on the platform. At another meeting three wistful Confederate veterans, dressed in their rather tattered grey Confederate uniforms, surrounded me on the platform and lent great moral support. At still another meeting an old Confederate veteran, literally with tears in his eyes, put his hands on my arm and told me that his daughter was going to vote for the Republicans—think of it—that *he* should have a daughter who was going to dishonor him and his name by voting the Republican national ticket.

However, these symbols of the old days, which had often worked their magic in the past, made less impression in 1928. The people seemed to have only one thing on their minds—Al Smith's religion.

At the very end of the campaign, there was raised again throughout the South the old cry of Negro rule if the people should desert the Democratic ticket. But even this direct appeal to racial prejudice could not overcome the appeal to religious prejudice. Texas, Oklahoma, Tennessee, Kentucky, Virginia, North Carolina, and Florida repudiated Smith and voted for Hoover. Even in Arkansas, Louisiana, Mississippi, Alabama, Georgia, and South Carolina, the Smith electors were chosen by narrow margins which in these rock-ribbed Democratic states were amazing and, because of the reason, disgraceful.

Hoover was elected in a national landslide, and much of the rest of the country was infected with the same religious hysteria as the South. In Indiana and Maine men also paraded in nightshirts. In Kansas and Pennsylvania fiery crosses were burned. But in the rest of the country outside the South one gets the impression that other factors were also important: natural leanings to Republicanism or at least a large Republican vote to start with, the phenomenal economic prosperity of that period, the belief in Hoover as a great administrator and engineer. But in the South the religious issue dwarfed every other issue. In piling up so large a vote for Hoover, the South was breaking with party traditions of many decades and going against what for several generations it had conceived

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to be its own interests. This was due not to the Coolidge prosperity, to admiration for Hoover, or to love for the Republican Party, but to stark religious prejudice.

What part did Smith's connections with Tammany play in the outcome in the South? None, because the South has been in alliance with Tammany many times in American political history; such an alliance is commonplace. (For instance, the widespread desire in the South for the selection of Horatio Seymour, Tammany's favorite, for the 1868 Democratic presidential nomination.) What part did prohibition—Al Smith's wet stand—play in the outcome? Relatively little. The South was, of course, belligerently dry as late as 1928. But Al Smith's wet record was rationalized just as James M. Cox's wet record had been rationalized in 1920. Whenever a speaker pointed out that the prohibition question cut across both parties, that both parties had dry wings and wet wings, that the dry wings in both parties were strong enough to maintain prohibition no matter who was elected President, Southern audiences seemed convinced and satisfied. Indeed, in 1932, when the revolt against prohibition came, the South joined that revolt, and wets like Robert Reynolds, of North Carolina, were sent to the Senate and wets like Mark Wilcox, of Florida, were sent to the House of Representatives. No, it was not Tammany and it was not prohibition: it was religion. It was Al Smith's Catholicism that the South could not manage to rationalize.

THE NEGRO

A survey of the Southern returns, county by county, will show, I think, that in those counties which did remain loyal to the Democratic Party, there was as much or about as much prejudice against electing a Catholic President as there was in the counties that went for Hoover. What, then, accounts for the loyalty of the counties that went for Smith? Simply this: the counties that went for Smith were for the most part old plantation counties, the so-called "black belt" counties, the counties with large Negro populations. The voters had to decide between their old fear of Negro rule and their prejudice against a Catholic in the White House, and they decided that the Negro-in-politics question was more important than the so-called "Catholic" question and consequently voted for Al Smith. And so the old issues and the old symbols did, after all, save by narrow margins six of the thirteen states of the Solid South! (In this connection, it is interesting to note that in 1948, as a general thing, the Dixiecrat bolters were strongest in the very areas where Democratic orthodoxy prevailed in 1928. In each case the Negro-in-politics question was paramount.)

Not all the Southerners who voted for Al Smith voted for him because of the Negro-in-politics fear or because of mere party orthodoxy. By no means. There were thousands upon thousands of brave and enlightened people in the South, numbers of them Protestant clergymen, who favored Al Smith not only because he was the Democratic nominee but also because they sincerely believed in the American tradition of religious freedom. They knew that the American Presidency would be as safe in Al Smith's hands as it had ever been in American history. However, these brave and enlightened Southerners, the true heirs of the Jeffersonian tradition, were not able to prevail against the tidal wave of prejudice, suspicion, hate, and fanaticism that swept over the country and the South in 1928.

Nor, in general, must religious fundamentalism be confused with political conservatism. (Gladstone and Bryan, for instance, were fundamentalists in religion and liberals in politics.) In spite of religious conservatism, the South, in part due to its economic poverty, has in national politics been on the side of political liberalism more often than it has been on the side of political conservatism. Moreover, opposition to Smith on religious grounds did not come merely from Protestant fundamentalists. Some of it came from religious liberals who opposed Catholic fundamentalism and who honestly (though I believe mistakenly), feared its influence in the White House.

Another factor contributed to the Democratic debacle in the South in 1928. For years the Democratic Party had had no real opposition. The Party machinery had been neglected and allowed to rust. Party wheel horses simply did not know how to cope with so much opposition. They were not prepared

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to undertake the systematic and effective conduct of a controverted and close election campaign.

The Democratic defeat of 1928 in the South came as a great shock to professional Democratic politicians in the area. A majority of them had maintained at least a surface loyalty to the party during the campaign and many had put forth heroic exertions to save the party from defeat. The immediate effect of the Democratic debacle was a tightening of party machinery, a new demand for party orthodoxy, and a devastating elimination from public life of all politicians, big and little, who had supported Hoover. It became increasingly clear that while the rank and file could revolt and get away with it, the professional politicians could not. In time there was a wholesale purge of Hoovercrats from city halls, county courthouses, state capitols, and congressional delegations. Many a promising Southern political career was nipped in the bud because of party apostasy in 1928, and many an old political career was wrecked. In Florida, Governor Doyle E. Carleton, who in 1928 had been the Democratic candidate for governor and who had maintained a discreet silence on the Presidential issue that year, has never since been able to be elected to public office. In 1934, when Senator Park Trammell again ran for the United States Senate from Florida, he had a tight squeeze, and his loss of popularity was attributed in part to his failure to speak out vigorously in 1928. In Alabama, Tom Heflin was eliminated from public life for his anti-Catholic stand. In North Carolina the veteran United States Senator, Furnifold M. Simmons was retired because his part in 1928 was questionable.

We have come a long way since 1928. Throughout American history we gradually have been broadening civil liberties and achieving a larger measure of justice for our minorities and for the average man. During the past 15 years we have speeded up that development and have made greater strides in widening civil rights than in any period of American history. The Reconstruction period widened the rights of the Negro; the past 15 years have widened the rights of all minority groups.

Our current federal judges, particularly the members of the present Supreme Court, have done much to protect and broaden civil liberties, except in the area of freedom of contract. They have struck down the white primary in the South, the chief method of disfranchising the Negro in that region, and have been tirelessly vigilant in protecting the individual rights of minority races and minority religions. Our federal judges, most of them appointed since the New Deal, seem bent on showing that the welfare state, instead of meaning fewer individual liberties, will mean more individual liberties.

Since 1928 we have waged a mighty war against fascism, and we have learned to detect any taint that might lead to fascism. During the waging of that war we set up agencies to prevent discrimination even in private employment against individuals because of race, color, creed, or national origin. After the war many states established similar agencies on a permanent basis and passed rather drastic anti-discrimination laws. A Committee of the President of the United States has urged additional federal legislation to extend and implement civil rights, and even in the South, where there has been most opposition because of the Negro question, the mass movement organized to defeat the President's civil-rights program, the Dixiecrat movement, in the election of 1948 polled only about 19 per cent of the total Southern vote. Indeed, the South is undergoing a gradual revolution in its attitude toward the Negro. More and more Negroes vote in every election. The Southern will to resist full civil liberties is steadily weakening.

We are a more mature people than we were in 1928, and we are growing in maturity all the time. The disgraceful experiences of 1928 are not likely to be repeated. (Probably no Democrat could have been elected President in 1928, but surely no Protestant Democrat would have been subjected to the kind of attack to which Al Smith was subjected.) And there will come a day when every American child, boy or girl, will feel free to look forward to participating fully in civic and political affairs and to running for any office in the land without fear of reprisal because of race, color, creed, sex, economic status, or place of ancestral origin.

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THE PEASANT IN THE SOVIET UNION

By CYRIL BRYNER
Professor of History
San Jose State College

What role does he play

IT is one of the paradoxes of history that the urban philosophy of Marx triumphed in agrarian Russia. One feels that Marx had a personal antipathy towards the peasants, which was inherited to a great extent by Lenin and Stalin. Marx called the peasants "troglodytes" and "native barbarians" who, without outside leadership, were not only incapable of revolution but of counterrevolution as well. *The Communist Manifesto* says that the bourgeoisie at least had the merit of rescuing a considerable portion of the population from "the idiocy of rural life." Lenin repeats these words approvingly some sixty years later. Twelve years after the Russian revolution, Stalin, who himself had largely a peasant background, speaking on the elimination of differences between town and country refers to ". . . the peasant of the old type with his animal-like suspicion of the city . . ." The current official history of the Soviet Communist Party, which was sponsored by Stalin and probably partly written by him, explains one of the most embarrassing phases of the Russian revolution—the revolt of the Kronstadt garrison against the Soviets—as due to the replacement of the educated proletarian garrison by a "raw peasant mass."

The Russian Communist's antipathy towards the peasant was not outside of the tradition of Russia's intellectual history. Though the Russian intelligentsia might generally be described as peasant-loving, there were qualifications to this love because of the great discrepancies between the intellectual's ideal of the Russian peasant and the peasant in reality.

Russia was so overwhelmingly an agricultural country that even the most effete, cosmopolitan, or aristocratic Russian intellectual found it difficult to detach himself from his peasant nurses, found his playmates among peasant children, and later derived his income from lands cultivated by peasants. The less aristocratic intellectual found himself even closer to the peasant either through birth or environment. Because of these close associations, some Russian aristocrats and intellectuals felt they were closer to the Russian peasant than the western intellectuals were to the more privileged and educated peasant of Western Europe. But because of the existence of a greater educational gap between the Russian intellectual and the illiterate Russian peasant, other Russians felt that the gap was a chasm they could not cross.

The Russian intellectual frequently found the revolutionary peasant to be more representative of "the soul of the blizzard" than a revolutionary striving for democracy or a utopia. This peasant, who in the revolutionary year of 1905 destroyed some 2,000 manors—some of which undoubtedly belonged to intellectuals fighting for his emancipation—seemed more interested in plunder or revenge than in creating a new social order.

And in the court of the czars, the peasant was pictured in much the same way by Pobedonostsev, the court philosopher of the last two czars. He is described by one of the Grand Dukes as representing Russia to Nicholas II as a frozen wasteland inhabited by the Bad Men.

There were several steps in the evolution of the intellectual's attitude toward the peas-

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ant. Familiarity bred bewilderment. First there was "the unspoiled-child-of-nature" picture of the peasant. It seemed natural that any modification of this early picture would be a step in the path of disillusionment.

In 1792 the great Russian historian, Nikolai Karamzin, wrote a novel, *Poor Liza,* which was a best-seller in its day. Liza, a Russian counterpart of the classic shepherdess, visits the city to sell her nosegays, becomes acquainted with a city rake, is seduced, and commits suicide.

Poor Liza, and similar works, in spite of their complete absence of realism, built up a reservoir of pity for the Russian peasant to which succeeding generations of thoughtful Russians added their tears. But these were not sufficient to solve the peasant's problems. The Russian champions of the peasantry were like sympathetic doctors without a diagnosis. Though future generations had become much more realistic than Karamzin and substituted practice for imagination, no matter how closely they merged themselves with the life and aspirations of the peasants, there was always one last little gap that made them feel like aliens in a peasant land. This sometimes very slight discord expressed itself in an irritation with, or lack of confidence in, the peasant. This irritation and lack of confidence towards the Russian peasant often seems the principal emotional attitude of Communist leaders.

TOLSTOI

In this, they were not so very different from the wisest of Russians, Leo Tolstoi, who had dedicated a half-century to becoming a peasant. Even at the end of his long life, he felt the same bafflement he had experienced when as a young man he offered his peasants their freedom from serfdom only to be rebuffed by them. His bewilderment turned to anger when he later learned that the peasants, suspicious of bounty from the master, were convinced that Tolstoi was trying to cheat them by making them pay a nominal sum for the land they worked. They believed they would get it free of charge in a future emancipation.

But Tolstoi was an aristocrat, it was argued, and in spite of his intelligence and good will, it was difficult for him to place himself in the position of the peasant. But people with very different backgrounds experienced the same bafflement. The tolerant, good-natured Chekhov, the grandson of a serf, argues with great sympathy in his story the *Malefactor* that a peasant possesses a peculiar logic of his own. The Malefactor is brought to court for unfastening and stealing a railway nut and bolt which he uses as a fishing-line sinker. The peasant cannot see himself as a potential train-wrecker, but only as a man being persecuted for stealing a few cents of property from a rich corporation.

The most proletarian of Russian authors and long an arbiter of the tastes of Soviet Russia, Maxim Gorki, was baffled by the peasants in much the same manner as the aristocrat Tolstoi. Tolstoi had the disadvantage of surmounting the barrier of a great name and wealth; Gorki approached the peasants from below as a hobo, with no better results. Joining the Populist movement, Gorki, together with another revolutionary, tried to gain the good will of the peasantry by establishing a store where products were to be sold at cost. Instead of good will, he aroused the same suspicion that confronted Tolstoi. The peasant logic that you don't get something for nothing branded Gorki as a charlatan, and he and his friend had to leave town. Gorki found none of the simplicity and naturalness attributed to the peasant by his apologists, but only cruelty and obtuseness.

A best-seller of the 1930's, *Bruski* by Panferov, is a good illustration of this proletarian-peasant pattern. The village of Bruski is faced by drought though a river runs by it. The peasants settle down to starve and pray for rain, not because of a deep religious faith but because prayer is the laziest way out of their predicament. But they are saved by Zhdarin, a villager who had belonged to the proletariat, who prods them into building a dam and channeling the water into their fields. Even after success, the bourgeois individualism of the peasants gets the better of them, and they fight each other to divert the water into their own individual plots.

Even in a work of such high artistry, sympathy, and understanding as Sholokhov's *And Quiet Flows the Don,* the proletarian Stockman observes the bewilderment of the

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peasant cossacks, with an almost completely concealed, superior smile.

It is difficult to find a Soviet novel about the peasantry in which there is not a proletarian observer and moderator elevated above the peasantry by his superior sense of the meaning and logic of history.

This Communist superior attitude towards the peasantry is much like that of the mingled contempt and affection of colonials towards a native population, based on a belief that the latter are children who can be handled only by some special sort of non-logic which varies swift punishment with swift reward. The N.E.P. was Russian Communism's first swift reward to the peasantry after the rigors of War Communism. This New Economic Policy seemed to contradict the doctrines of Communism for the sake of rewarding the peasant by supplying him with much wanted consumers goods

The N.E.P. was followed by the re-establishment of the Communist program through the implementation of the Five-Year Plans. The peasants resisted its rigors, and terrible punishment followed: the conflict between the government and the peasant was allowed to mature into the famine of 1932-1933 in which W. H. Chamberlin estimates that from 3,000,000 to 4,000,000 people died of starvation. After the final triumph of collectivization, a reward was dealt out to the peasant by confirming the legality of limited private property in the form of personal plots of land, some of which were as large as five acres, and creating opportunities for the peasant to make small fortunes by selling his surplus produce on the open market.

The Soviet government is prepared to wait a long time for the peasantry to come over to its way of thinking. Lenin had said that in such a country as Russia it was easy to sweep out the landlords and czarism in a few days, but to socialize the country one would have to fight inch by inch. "For you know" Lenin added, "that even in the most advanced countries the rural districts were condemned to ignorance and darkness."

Though the Soviet government claims to have eliminated class antagonisms and class differences, it still recognizes a difference between worker and peasant. The first paragraph of the Soviet Constitution reads: "The Union of Soviet Socialist Republics is a socialist state of workers and peasants."

The relationship between the proletariat and the peasantry is described as "friendly." The peasantry is regarded as a force that was first utilized to overthrow the czarist government and is now being used to build socialism, after the completion of which it will eventually lose its distinctiveness.

Russian Communists regard the proper interpretation of the peasantry as one of the most subtle problems of Marxism. The Russian Communist adaptation of Marxism to peasant Russia is the one element of originality and distinction claimed by Marx's Russian disciples, who are so critical of any supplementation or revision of the master's work.

The first recorded heresy in Russian Marxism goes back to the 1880's when the founder of Russian Marxism, Plekhanov, misinterpreted the role of the peasantry in a revolution. To quote the official *History of the Russian Communist Party*, ". . . Plekhanov failed to take into account that in the course of the revolution the proletariat could and should lead the peasantry, and that only in an alliance with the peasantry could the proletariat gain the victory over czardom."

Marx's antipathy towards the peasants did not prevent him from seeing them as collaborators. He speculated that a German proletarian revolution would be preceded by a peasant revolt. He also recommended a collaboration between Polish agrarians and Marxists.

It was the peculiar mark of Lenin's genius to utilize the "soul of the blizzard" of the peasantry, from which so many other revolutionaries recoiled. In spite of the fact that less than eight per cent of the Russian Communist Party membership was peasant, Lenin proclaimed the Russian Communist Party as the representative of the peasantry as well as the proletariat.

Since the triumph of the revolution, the peasant problem has resolved itself into two questions: how much compulsion and with what acceleration should the peasantry be enlisted in the building of socialism? A too severe attitude is Trotskyism; a too lenient attitude is Bukharinism; and the nicely balanced, right attitude is Stalinism.

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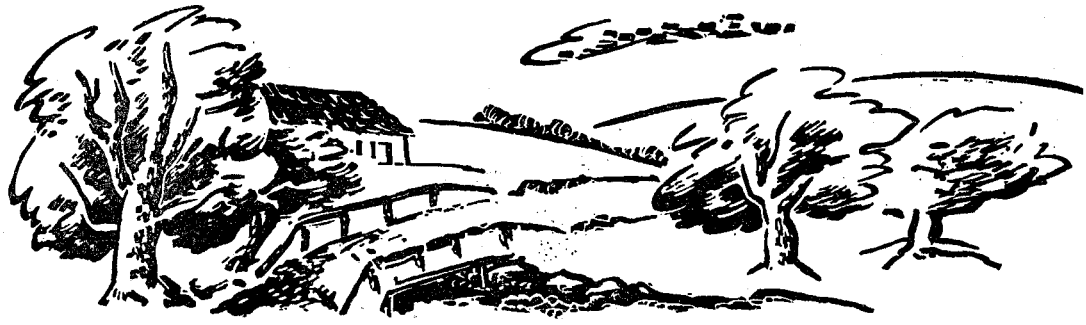

COUNTRY COMMENT

A red squirrel sat in a wild cherry tree near my house eating red cherries. The red of the squirrel was, of course, not the red of the cherries, and the cherries were red only because they were not ripe. It was a wild black cherry tree.

He was near enough to where I sat for me to see his profile distinctly—his back and head forming a curve above the bough on which he sat, and his tail forming another curve below the bough. I could see a black stripe on the upper curve. I could see his jaws moving incessantly. And now and then I could see some small object, which I took to be a cherry stone, fall to the ground. But I could not make out how he fed himself.

I had not come there to watch a squirrel or any other animal. I had sat down outdoors near an open window to listen to some music, and at the same time to enjoy the coolness of mid-morning in the western shadow of my house. The music was Shostakovitch's Fifth Symphony, which I felt deserved my undivided attention. But there was the squirrel square in my field of vision.

Whatever other effect the music was having on him, it was clear that he was at least not being disturbed by it. I myself, I confess, was for the first time getting a total impression of the Shostakovitch symphony. It was saying to me: this is Russia today; this is how we Russians feel and work and fight. I do not know whether it is supposed to say that, but that is what it said to me. It kept making me think of Beethoven, because Beethoven, too, has something unmistakable to say to me: This is Europe of the French Revolution; this is how we feel and work and fight and believe in the fierce and beautiful future.

When the first challenging notes of the last movement sounded forth, the squirrel pricked up his ears. He could be indifferent to a slow movement, but not to this musical onslaught. He was agitated. He turned his back to the music and me, but now and then glanced around inquiringly. At any moment, I expected, he would be off. By now my listening and my watching had become related and integrated, for while I listened to Shostakovitch and felt what he was doing to me, I was watching the squirrel and observing what Shostakovitch was doing to him —a red squirrel sitting in a tree among unripe red cherries.

With the loud last notes, the squirrel started. He ran a little way; but noticing a cherry above his head, stood up and picked it. Then, since the music had ceased, he returned to his former position and proceeded to eat. But here was a mystery: although presumably he had now only one cherry to work on, he continued to munch for quite some time, regularly letting the small objects drop to the ground.

Perhaps it is unnecessary to point out that the music the squirrel and I had listened to was red music, if any music might be said to be red. But its red was, of course, a very different red from the red of the red squirrel. It was nearer the red of the red unripe cherries, but not exactly that red either.

ROBERT FRANCIS

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JASPER R. LEWIS

Books in brief

Disproving Lincoln's contention that all men are free and equal, *Democracy in Jonesville,* by W. Lloyd Warner and Associates (Harper, $4.50), is a study in quality and inequality in American civil life. With ten collaborators, mostly university or college faculty members, the editor offers a group of chapters, each credited to its author, and each analyzing a distinct portion of the problem.

The authors evidently are of the opinion that there is a "rising tide of class distinctions," despite the commonly held belief of laymen that classes have tended to merge in many respects. Jonesville, fictitious name for an actual representative town, is evidently a small-sized city, somewhere in the Midwest or Chicago area. In the opinion of the contributors, the general principles of social conduct of Jonesville may be set up as a symbol of American life anywhere. Through field investigation over a period of years, it has been possible to compile some statistics on trends and habits, from school pupils to church attendants. By means of brief case histories, some of these trends are shown in detail. Many are of definite general character, regardless of city, and some show that the customs have changed very little from those of several generations back.

That some families rise in the social scale while others fall is an old story, and the several methods for rise in an individual's status are largely unchanged. Nor does the book do more than relate the facts of such change. Again, all the gathered statistics on the "democracy of childhood" prove that the children with the greatest advantages—moneyed family, background, or other social help—are usually looked up to by the less favored. Occasional exceptions strengthen the rule, much as they do in adult life. But the chapter "Room at the Top," written by Warner himself, is as pessimistic as a *Pravda* correspondent could make it. Principally revealing the influence of politics and wealth in the school system, even affecting the lives of the children, Warner shows the terrible reactions on the children of less influential citizens, even to the point of permanently blasting their lives. No statistics are given to show this is the rule rather than the exception.

The power of the dominating industry in such a town, paternalistic though it may be, is both a good and an evil; good as a supplier of work and income; evil as a selfish organization. According to this survey, it is practically impossible for a worker to climb out of his class. The managerial group trains its sons to succeed them; in the book's own words: "all managers help their sons train themselves for high occupational position." There is no suggestion that an outsider might do and often does the same thing, or that a youngster with special gifts might crash the gates.

There are some inaccuracies in the chapter on "the joiners" of Jonesville, and some comments on social aspirations which, at least to this reader, seem more like postulated generalities than conclusions from facts. Offhand I would say that the study presents already well known facts about class distinctions in America, definitely from the more pessimistic viewpoint, without supplying any new information or suggested ameliorization of the evils. The fact that these differences in social classes exist is as old as civilization; reducing the known facts to percentages is useful for study purposes, but it doesn't seem to make any allowance for brains, forcefulness, or aggressiveness among the lower social classes.

The same picture, devoted to the world of young people, is related in *Elmtown's Youth,* by A. B. Hollingshead (Wiley, $5.00). As a matter of fact, Professor Hollingshead is one of the contributors to the previous book, *Jonesville.* In *Elmtown,* he analyzes the so-

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cial system of a community, probably identifiable as Jonesville, but with particular interest in the impact of social classes on adolescents. This entails study not only of the youth of the town, but of the social, cultural, and financial standing of the citizens and of the school system, the material plant, and the educational program.

Most of the volume is devoted to the study of the several classes or qualities of students, these classes being divided according to position of the family in the social structure. The local high school furnishes the testing ground. While these social distinctions are noted and used as causes, emphasis is on the results of these differences on the youth, whether in study, play, or prohibited activities. There is little doubt that there are classes among the youth of Elmtown or any other town, and that the influence of family position or other advantage is usually reflected in the adolescents.

Hollingshead can do no more than catalog the "crimes" without outlining cures, but he makes a detailed and somewhat comprehensive listing of young people's faults, to show that the lower classes of junior citizens are frequently the greatest offenders. Part of his book is a Kinsey report on these young people, but none of it is new discovery. The author recognizes that there is a non-legal class system, and that many of our regulations are compromises based on that unacknowledged but actual system, and that the more successful—the highly placed social group—controls our culture. There is still no universal panacea offered for those of less ability or less aggressiveness. The truth of the matter is that "the fault is not in our stars, but in ourselves, that we are underlings."

BRIEFER COMMENT

FICTION

The Borgia era in Italy, with its poisons and murders, is the theme of *The Borgia Testament,* by Nigel Balchin (Houghton, Mifflin, $3.00). Cesare Borgia tells his own story in twentieth century language. It is the period of papal intrigue, Italian against Italian, and the Borgias against each other and everyone else. Of course his own brutality and viciousness are only lightly touched, and often excused.

The Egyptian by Mika Waltari (Putnam, $3.75), is a gripping novel of the days of the Pharaohs, with the atmosphere of the priests and their temples, chariot warfare, and customs of the times. Love, hate, and all the other emotions are displayed and used by the author with a deft hand. In some spots it is slightly ghastly, but probably authentically Egyptian. The novel is translated from the Finnish by Naomi Walford.

Marguerite Steen relates more of the history of the Flood family—800 pages more—in *Twilight on the Floods* (Doubleday, $3.95). It is particularly Johnny Flood's tale, following in his great grandfather's trail on the Gold Coast. It is a tremendous story, exciting and absorbing, except when the author goes into minute details of character or situation. I'd like it even better if the occasional French quotations were deleted.

Upton Sinclair's Lanny Budd stories end with *O Shepherd Speak!* (Viking, $3.50), or at least so he promises. In this volume the hero of ten volumes of world history between 1914 and 1946 has to expand a fortune in the interest of world peace. Plenty of the war in Europe still fills the pages, and even the virtues and personalities of prominent figures, including the Trumans, come in for their share of praise. If Sinclair can take a dig at the critics, he relishes it. Of Miss Truman he can't forego this: ". . . (she) was making a career for herself as a concert singer, giving pleasure to the public if not to sophisticated critics." There is an index to the entire series, and Sinclair's compliments to the critics who have failed to approve of Lanny's long life. The style of writing is as stilted as ever.

A tale of Death Valley in 1850, and the trials of a group of California-bound pioneers lost in it, *Hickory Shirt* by George Palmer Putnam (Duell, Sloan & Pearce, $2.75), is a western saga of adventure, with Mexicans, Indians and, of course, romance. Shooting and scalping make it sound bloodthirsty, but

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it is a good clean story, and in fact somewhat refreshing.

A psychological novel, highly improbable but serving a purpose, *The River Line* by Charles Morgan (Macmillan, $2.75), is about the planned reunion of an American, an Englishman, and his French wife. The plot centers on the story of the underground in France during the war, with a tragedy in it for all three, its effects on them, and man's general incredulity that things that happen to others can also happen to him. The book was serialized as Edge of Happiness.

Fraternity Village, by Ben Ames Williams (Houghton, Mifflin, $3.00), is a collection of short stories all placed in that Maine village. These previously appeared in magazine form, picturing the inhabitants in sketches and tales, all with the inviting atmosphere of the back country and its customs.

A story of Jewish family life, *A Little Sleep, A Little Slumber* by Norman Katkov (Doubleday, $2.75), makes its appeal by pulling on the old heart strings. It is the story of a dying immigrant, his loving family, and the recollections of yesteday. A lot of it is good everyday street life, dramatized, but real. Some of the street language, realistic but filthy, might have been edited advantageously.

A family's internal differences, spoiled and self-willed children against their self-made father, makes *Let Love Come Last,* by Taylor Caldwell (Scribner's, $3.00), a study of character. It is an exposition of the advantage of being ruthless in business, with the moral of ruining the lives of one's own children.

MISCELLANEOUS

A friendly tour through the three countries, *The Bolivar Countries, Colombia, Ecuador, Venezuela,* by William Russell (Coward, McCann, $4.00), is the latest in the Invitation to Travel Series The history of each place visited is given in brief, and the customs, some modern, some quaint, are given added interest by anecdote and recollection of amusing moments.

American Wild Flowers, by Harold N. Moldenke (D. Van Nostrand, $6.95), is a guide to the wild flora of the United States, with numerous illustrations, many in their natural colors, and a lengthy index. Native habitat, botanical and common names, and detailed descriptions give ample information about the many plants. Despite all this, it still isn't easy to identify a variety that you pick in the woods. One has to know something of botany to find his way around, but it is an excellent and useful volume, particularly in its arrangement. The author is curator of the New York Botanical Gardens.

The development of our transport air force during the war is related in *The Eagle in the Egg,* by Oliver La Farge (Houghton, Mifflin, $3.50). The author, a lieutenant colonel and historical officer in the air force, describes the growth of our carrying airways from a small beginning, with details of the problems and their solution, whether in Europe or in the Far East. It makes an appraisal and record of our air transportation effectiveness in a simple, effective manner.

The Palestine Year Book and Israeli Annual, Vol. IV, edited by Sophie A. Udin (Zionist Organization of America, $3.75), is devoted chiefly to the affairs, laws, and problems of the new state, with articles on culture and economics. A portion gives the history of the Zionist movement; there is also tabulation of statistics and historical facts.

Why and how authors write is the unifying topic of articles now in book form as *Writing for Love or Money,* edited by Norman Cousins (Longmans, Green, $3.50). Previously published in the *Saturday Review of Literature,* these chapters by well known writers try to give the authors' views on the public's ideas and demand for fiction, essays, and biography. At the same time they tell something of the authors themselves and their urge to explain themselves, or portray a person, or tell a story.

Based on his personal observations first reported in newspaper and magazine, *Behind the Curtain,* by John Gunther (Harper, $3.00), is his revelation of conditions in Europe, from Italy to Russia. Descriptive of people and places, of farms, politics, and ways of living, Gunther's first-hand report on the satellite countries of the Russian dictator gives an intelligent picture of Europe today. There are also chapters on Germany, France, Italy, and England.

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Red Herring

Although the dog was a dash of this
And a pinch or two of that,
A collie's bow, a hound-dog's stern,
He knew which end his wits were at.

The hound in him kept collie down
A realist and close to ground,
The collie's imagination
Lit up bright lights inside the hound.

He was too good to be too smart
And yet too smart to be plain good,
Halfway between the clod and knave
With all the geniuses he stood.

To hide his future he dug deep,
He dug until his tail alone
Stood above the earth, and there
He put in his best marrowbone.

But as he covered up and rose
The western half of a dog to air,
He stopped and got a mutton rib,
A small mean bone, and put it there.

Then he closed the earth for good
And left his marrowbone to mold
Safe and sound to turn a dark
Lean and future day to gold.

That day there'd be no rib bone there,
Only a hungry pit in the sand,
But the hole would be half dug
To his golden promised land.

ROBERT P. TRISTRAM COFFIN

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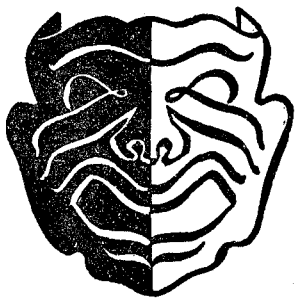
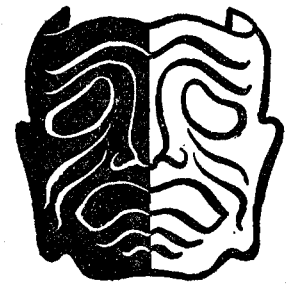


The THEATER ARTS



by John Gassner

Last month I raised the question of what possibilities still remained for the theatre. That the inquiry I proposed was in no way academic was proved two weeks later when still another Broadway playhouse was closed to stage drama by the leasing of the Mansfield Theatre to the Dumont Television Corporation. Not to be provincial about the matter, let us note that the conversion of a playhouse into a home for one of the mass media is not, of course, in itself tragic. A good deal of our response should rightly depend upon the precise use to which a house is put. It is no calamity when the Bijou Theatre in the heart of Broadway plays host for many months to the British film *Red Shoes* instead of accommodating half a dozen nondescript and short-lived plays during the same period. If anything, it is decidedly important that centrally located theatres should be found for motion pictures not ground out by the Hollywood mill and not released by its gigantic distribution agencies which are so blatantly indifferent to quality and are so apt to ballyhoo every atrocity on celluloid as a cinematic marvel. To the theatre arts it is surely not a matter of indifference that "legitimate" trash should make room for films like *Red Shoes, Paisan,* and *The Quiet One.*

It is, indeed, even possible that work of this order can make a greater contribution to the rehabilitation of the stage than the presentation of a dozen more humdrum pieces of playwriting and stagecraft. *Red Shoes* may not have the most remarkable story in the world, and its theme of the conflict between love and artistic ambition is at least as old in the British drama as *Trelawny of the Wells.* But the British film has an extensive fairy tale ballet by Massine which could give lessons in imaginativeness even to the musical comedy stage that was graced by the ballets and dances of *Oklahoma, On the Town,* and *Brigadoon.* The by now famous Italian film *Paisan* could teach the professional theatre more than a little about the contagious power of a judicious combination of unadorned "slices of life" and an epic sweep in drama. The successive episodes of *Paisan's* chronicle of Italian life immediately after the collapse of Mussolini's government constitute a poetry of history. Comparable to Bertolt Brecht's play *Scenes from the Life of the Master Race,* although inferior to it in literary quality, *Paisan* might have shown play producers that there is no reason to fear the epic style. And the inexpensively made little documentary film *The Quiet One,* an infinitely touching presentation of a Negro child's delinquency and rehabilitation, makes even the naturalism of Sidney Kingsley's police-station scenes in *Detective Story* appear suspiciously glossy and contrived.

The diminution of the number of stage plays presented in recent seasons is not regrettable. Regret is in order not when bad theatre is driven out by good cinema but only when good theatre is supplanted by bad cinema, or by bad radio and television—which is, of course, too often the case. Not only does worthless theatre deserve to die (this, even more so than worthless films because it imposes upon its clientele at a disproportionally higher price), but cutting off its gangrenous sections is sound surgery. Dramatic criticism on Broadway has often been denounced as too drastic, when it is actually too generous. Nothing is more likely to turn

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the playgoing public against the theatre than a long series of disappointments, each of which has cost the ticket-holder an evening of his time, a trip to the theatrical center, the discomfort of a generally unmodernized auditorium and crowded lobby, and as much as $9.60 in cold cash.

Probably nothing much can be done at the present time about the high tariff and the physical discomforts of the theatre, to which we must add the limited visibility and audibility of performances if you are sitting in the last rows of the orchestra or in the balcony. But a good deal of improvement is possible in the actual composition and staging of plays, and this improvement is more apt to come from adopting the extensions of dramatic form that other media—including the novel, film, and radio—have introduced than by adhering to the tight, three-act, realistic structure. The latter has no more sanction than a mere 75 years of practice at most and yet it has come to be regarded as the *summum bonum* of dramaturgy and to be treated with the reverence of a law for all drama. There are, no doubt, many playgoers and producers who even fail to realize that they are dealing with a different form of drama when they turn to Shakespeare. If they have a dim impression that Shakespeare is not quite conforming to modern practice, they react with some uneasiness and extend a forgiveness to Shakespeare that they withhold from lesser Elizabethans on the grounds that he is a classic. To suggest to them that Shakespearian or even Greek drama is more of a norm for the theatre than the average Broadway or Broadway-inspired play would probably shock them. The truth is that most plays of the past two decades have been suffering from inflexibility, if not, indeed, from *rigor mortis*.

A theatre that ties its feet to a pillar, closes its eyes, stops its nostrils, and systematically squeezes its own throat can hardly be expected to have a long life. Yet this is precisely what has been going on except in the field of musical comedy. An art that would release the creative and appreciative faculties of its patrons must first release its own capacities. The most hopeful signs are all, indeed, signs of release. They have been given within the past decades by writers like O'Neill, Wilder, Saroyan, Tennessee Williams, Maxwell Anderson, and Arthur Miller in our country, and by O'Casey, Giraudoux, Cocteau, and Sartre abroad. Their company has remained small and their example has been followed insufficiently. Their example has, in fact, been hardly understood enough to earn them more than obtuse praise or blame. Nevertheless, whether we judge them properly or improperly, it is plain that, on the whole, audiences welcome their efforts to liberate the modern drama once more. (I say "once more," because the modern drama has had liberators before. It would simply seem that the theatre has to be "liberated" at least every 25 years, because commercial considerations wind a noose around it every year with well-nigh fatal regularity.) It is not without reason that the past decades' successful or highly prized plays on our side of the Atlantic have been mostly maverick pieces like *My Heart's in the Highlands, The Time of Your Life, The Iceman Cometh, The Glass Menagerie, A Streetcar Named Desire, The Flies, The Madwoman of Chaillot,* and *Death of a Salesman.*

Even Anderson's *Anne of the Thousand Days,* otherwise a rather conventional historic and romantic verse drama, is a departure from standard dramaturgy with its Elizabethan soliloquies, multiple scenes, and simultaneous action. To the degree that it is imaginative and eloquently expressive drama, it thrives on liberties taken by its author and not taken by hack dramatists.

A Streetcar Named Desire tells a sufficiently compact story to fit the formula of conventional realism. But the playgoer who responds to something more than the mere sensationalism of the clinical and erotic elements of the play is actually responding to "super-natural" art in the playwright's work and in Elia Kazan's orchestral production. The natural fact of Blanche's mental distintegration is counterpointed by the street noises and the tumultuous life of the New Orleans tenement. Her inner stress, which a humdrum realist would normally sum up in a few sentences of exposition or comment, is constantly exteriorized by a symbolic music.

Reduced to "facts," Giraudoux' *Madwoman of Chaillot* is an absurdity. Every member of the audience knows that the world cannot be rid of greed by our luring a few

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bank directors and their mistresses into the sewers of Paris. Everything that occurs in the play as a result of the Countess Aurelia's efforts is, indeed, the strategy of a diseased mind. Her campaign against capitalism cannot be taken seriously as a practical measure. Yet a considerable portion of the public, to which one can hardly impute any sophistication in art, is spellbound.

The spell is cast by the poetry of the author's conception that owes much of its charm and subtlety to the incongruities between its wild hypotheses and the matter-of-fact manner in which they are represented in the dialogue and the action. The method resembles that of Franz Kafka in *The Trial* and *The Castle,* in which the figments of fancy are dressed in everyday clothes. The rub, however, is that the ordinary fact has been conscripted here into the service of the extraordinary; and this may be the only procedure that will save stage realism from sterility. Only by losing itself is realism apt to find itself—that is, to find fruitfulness and efficacy. It is plain, indeed, that the untransubstantiated fact actually loses even its value as "fact" on the stage. Either it is dull, and dullness, which may be efficacious enough in fields of science and economics, is totally inefficacious in the theatre. Or the "fact," as is very often the case, becomes specious in so artificial a medium as the theatre. Everybody in his right mind knows that the walls of the room are only canvas stretched on wooden frames, and that the light the actor turns on in the room could not really illuminate it without supplementation by unseen arc-lamps operated by an electrician in the wings. Everybody knows that the performer who goes out through the door to his destination in Timbuctoo is going to get no further than the backstage area or his dressing room, and that the piano he plays may be a dummy instrument from which no sounds can come while a real piano is being played off-stage.

Illusion and not fact is the theatre's business, and if this is so why let ourselves be shackled by a non-existent factuality. Even in such documented plays as Sidney Kingsley's *Men in White, Dead End,* and the Federal Theatre's "living newspaper" on housing, *One-third of a Nation,* the power lay not in the fact but in its signification. To effect this, the intelligent directors did not hesitate to mark off a portion of the empty stage area in *One-third of a Nation* and boldly call it downtown Manhattan. And Miller and Kazan had no qualms about using the forestage in *Death of a Salesman* as a cemetery for Willie's burial scene. One may question, indeed, whether the playgoer would not be moved less by this episode if his eye were distracted from the players and his mind from their comments by an imitation cemetery on the stage.

Ultimately the modern theatre will have to decide between imitating things or symbolizing them. There is, of course, no objection to simulation when it is efficacious. But it has proved less and less effective, because it clutters up the playgoer's view and distracts him from what really matters—the emotional and intellectual content. And simulation has utterly failed to serve the theatre by forcing the playwright, as well as the collaborators responsible for producing his work, to *represent* experience rather than to *project* it as meaningfully and forcefully as possible. How harmful this subordination of creativity has been is seen during each theatrical season that gives us a record of 50 or 60 failure as against half a dozen genuine successes. The public charge against the failures is not that they are hateful, immoral, politically subversive, or even unlovely. They are monotonously charged with only one sin—they are dull. And why should they not prove dull? The facts of the contemporary scene that the stage can accommodate cannot be anything but dull. Not only are they as a rule overfamiliar, repetitive, and colorless, but the exigencies of compression into two-hours' traffic on the stage deprives them of the variety, force, and significance they can have in a documented and closely reasoned report or book. So long as the theatre stringently limits itself to representation, it courts disaster in nine cases out of ten. It invites the hack and rejects the true creator, for the latter can never touch anything, no matter how familiar, without transforming it. The widest avenue for progress in theatrical art, then, is the road to dramatic "presentation" or projection as opposed to literal transcription of life.

In the past ages of the theatre's greatness, it was not customary to make any clear-cut

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distinction between drama and poetry. And in spite of the importance of studying such works as *Hamlet, Othello,* and *Macbeth* as plays intended to exert their effect on the stage, we shall never really understand them until we realize that they are also dramatic poems. This is something we have intended to overlook or at least minimize in recent times out of a laudable ambition to escape the literary morasses of Victorian academicism and romantic *Schwärmerei.*

It is only as poetry that Saroyan's *My Heart's in the Highlands* ceases to be a kindergarten fable. It is only as poetry—as a symbol of the heart's desire and of implication from experience leading beyond the actual into the ideally possible—that the conclusion of *The Madwoman of Chaillot* can prevail. The speculators and their "molls" have been disposed of; the mad Countess has lured them into a subterranean passage with the promise of riches, and the world is well rid of them. This is a possible action, if not a probable one. From it Giraudoux, however, carries us to the *ideal* possibility, to a conclusion true only in terms of human desire.

No sooner have the speculators vanished than the characters report that:

> Now you can breathe again. . . . The air is pure! The sky is clear! Life is beautiful again! . . . Countess—the pigeons! The pigeons are flying! They don't have to walk any more. . . . The air is like crystal. And young grass is sprouting on the pavements. . . . Now, Juggler, you can throw your fireballs as high as you please—they won't go out. . . . On the street, utter strangers are shaking hands, they don't know why, and offering each other almond bars! . . . From now on, every plant will be watered. . . . And the sewers will be fragrant with jasmine. . . . Sadness flies on the wings of the morning, and out of the heart of darkness comes the light.[1]

At the very end of the play, the Countess reflects that her cats, whom she has neglected while busying herself with the speculators, must be fed: "My poor cats must be starved. *What a bore for them if humanity had to be saved every afternoon.* They don't think much of it, as it is." And this wry concluding note can only remind us, if we needed to be reminded at all, that Giraudoux' fable is born of uncommon sense rather than of naiveté. Giraudoux also serves the comic spirit. But even the comic spirit in his play subserves the willed poetic act rather than the usual comedy of manners which contents itself with observation *plus* commentary. *The Madwoman,* in short, is to be read as a poem—not the best poem by any means but a poem nonetheless. *Death of a Salesman* likewise prevails most poignantly not as the story of a salesman and a criticism of a debased philosophy of success or caricature of the so-called American dream, but as a dirge on a human being, and no dirge has ever been anything but a poem.

One way out for the modern theatre is for our playwrights, as well as directors, to become poets, whether they write prose or verse. Nor is this a preposterous demand to make, for it was poets that playwrights were from the moment Aeschylus wrote his first tragedy. The only preposterous demand that was ever made upon them came when they were expected to forego magic and confine themselves to imitation. And contrary to popular notions it was not Ibsen who made this demand either upon himself or others when he turned to realistic dramaturgy, for he never entirely gave up symbolization and poetic transfiguration.

This is as true of *Ghosts, An Enemy of the People, The Wild Duck,* and *John Gabriel Borkman* as it is of *The Master Builder, The Lady from the Sea,* and that fascinating and strangely ignored drama *Little Eyolf.* It is only that in the first four plays Ibsen made the symbol and the fact one and the same thing—as did Chekhov in *The Cherry Orchard,* which is all to the good whenever possible. It was not Ibsen who deprived playwrights of their creative prerogatives.' It was men like Zola who were so intoxicated with antiquated nineteenth century materialism and science that they confused art with physiology. And more catastrophically, the work of silencing the poet in the theatre was the work of philistines in "show business" and in the audience. The philistine must be destroyed in the theatre if this magnificent old yet ever young institution is to be saved from dessication.

[1] *The Madwoman of Chaillot.* By Jean Giraudoux. Adapted by Maurice Valency. Random House, $2.50.

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What Price Government Controls?

Who benefits?
How do they work?

By CAROL L. THOMPSON

The problem: Senate subcommittee hearings on the extension of export controls brought to light the fact that export controls had proved a gold mine to the Big Three soap companies. These companies get 75 per cent of the business in the United States. Seventy-five per cent of the cost of their raw materials had gone down 66 2/3 per cent. The price of soap did not go down. How can government planning avoid such traps?

SENATE committee hearings often reveal small items of information which lead to larger truths. In the hearings on "A Bill to Extend Export Controls" in the Senate Subcommittee of the Committee on Banking And Currency, pressures for and against the continuance of export controls were very evident. Beyond the simple logic of "protecting the domestic economy," export controls were in some instances protecting small but powerful segments of the domestic economy and ruining (or so it was claimed) still other, less powerful domestic industries.

Last month we saw that some small businessmen of the United States felt export controls worked against their best interests. Whoever may have felt the adverse workings of the control system, none benefited more than the soap industry of America.

Now, the making of soap, and its supplementary products, has long been a tremendously profitable enterprise. In the United States, three enormous companies, Lever Brothers, Procter and Gamble, and Colgate-Palmolive-Peet, are said virtually to control the inedible tallow market of the nation.

Are these and similar powerful companies a force for good, or for evil, in our economy? Time was, when the very word "monopoly" evoked evil visions, but today the seemingly inevitable growth of huge corporations, their cooperation with the government, and some of their undoubted advances have made monopolies palatable to the average American. Unquestionably, corporations such as the big three soap companies exercise a great deal of power in our economy and, equally unquestionably, their operations serve to injure some of the smaller and less powerful industries with which they are associated.

From the very beginning of the soap industry in Europe, government-granted monopolies were procured to protect the new business. In 1622 an English company obtained a government monopoly on soap manufacture in exchange for the payment of a tax of £4 per ton on a yearly output of 5,000 tons. This monopoly was finally abandoned in 1637 because the government found it next to impossible to suppress all those trying to make soap independently of the authorized company. In 1666, Pierre Rigat of Lyons procured from Louis XIV a 20-year royal charter, giving him alone the right to establish French factories for the production of white, mottled, and any other kind of soap. The six or seven factories already in existence were not to increase their plants and were to sell Rigat their entire production at a fixed price. This early French monopoly was, however, dissolved only three years later because of its unpopularity, and its harmful effects on the French economy.

Increased supplies of raw materials and increased technical knowledge made soap an extremely lucrative business in the following centuries. Information concerning the once-dubious connection between cleanliness and Godliness began to seep down to the masses, and after the seventeenth century the link between cleanliness and good health began to be recognized. In the second half of the nineteenth century, soap-making grew into a powerful wholesale industry, with con-

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stantly improving techniques in manufacturing and in marketing. Probably no industry in the world has utilized advertising, in newspapers, periodicals and, of course, radio more continuously and successfully than the soap industry, and the American soap opera is now a household fixture.

Before discussing the blessings and evils of this Big Business, we may profitably summarize the rise to power and wealth of one of the three big soap companies—Lever Brothers.

Lever Brothers and Unilever, as it is now known, was founded in England by William Hesketh Lever, later known as Viscount Leverhulme of the Western Isles. Lever was the son of a prosperous wholesale grocer, and at the age of 16, in 1867, he joined his father in the grocery business. After 17 years, he and his brother began to strike out for themselves in soap. It is difficult for the modern reader to imagine the soap industry as it existed at that time, without trade names and without advertising. Lever's famous Sunlight Soap became in two years time the world's biggest-selling cake of soap. In 1888, Lever opened Port Sunlight, a tremendous soap factory and model workers' village close to Liverpool, in England, and was soon manufacturing soap all over the civilized world, in Switzerland, Australia, the United States, Canada, the Netherlands, Belgium, France, and Germany.

By 1906 Lever Brothers was powerful enough to promote an amalgamation among leading soapmakers (which subsequently fell through), and in the following years the company acquired a handful of leading British soap, soap-flake, candle, chemical, and oil-cake companies. By 1920, Lever Brothers controlled more than 75 per cent of the British soap business. Today, this world-wide concern sells soaps and soap powders, including *Rinso, Gold Dust, Lux*, and *Breeze*, margarines, fish, soup (*Liptons*), baby food, animal food, toilet preparations (*Pepsodent*), and vegetable and animal oils and fats (*Spry*).

But Lever Brothers is no longer the monopoly it was in the 1920's. At one time, with more than 80 per cent of English business under its thumb, Lever Brothers had trade agreements with the remaining few. One of its main competitors was Procter and Gamble, which bought the Hedley Soap Company of England in 1930. Unilever's share of English business was subsequently reduced to about 65 per cent.

In a series of articles in *Fortune* magazine, the question is raised as to whether a 65 per cent domination of an industry can be termed monopoly. Mr. Rykens of Unilever is quoted as declaring that it is bad for Unilever to get more than 75 per cent of the trade in any of its commodities: "We would be less successful if we had 100 per cent of any business, because our aim is efficiency." And "'All power corrupts, and absolute power corrupts absolutely'."

In the strict sense of the term neither Lever Brothers, nor Procter and Gamble, nor Colgate-Palmolive-Peet, could be termed monopolies. Together, however, they more than dominate the soap industry and, incidentally, the inedible fats industry of the United States.

Do companies of this size convey any advantages to the ultimate consumer, to the laborer, to the public at large? Insofar as they compete to keep prices down, the consumer may be benefited, but there is little or no evidence that these companies are actively engaged in competition at the present time. Price variations among the various soap products are so slight as to attract considerable attention. Price reductions, few and far between today, are almost simultaneous.

These big companies, on the other hand, engage in continuous research to improve their products, and improved detergents, such as *Fab* and *Tide,* are of considerable benefit to the consumer. It is also true that companies of this size can usually be trusted to produce *quality* products, which, although they may not be 99 99/100 per cent pure, are usually pure enough.

At least two of the three soap companies, moreover, have instituted and pursued strikingly liberal labor policies, probably beyond the reach of less powerful and more competitive small companies. In a survey of soap company earnings in 1948, the *Monthly Labor Review* remarks: "Earnings appeared to be higher in large establishments, the highest levels prevailing in plants with more than 250 workers." Procter and Gamble were

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among the first companies to institute a guaranteed annual wage plan for their employees, including many other benefits (See FORUM, March, 1949, pp. 166-173). Lord Leverhulme's model village resulted from his belief that profit-sharing was a sound principle. "Labour itself," he wrote, "can never produce wealth . . . but if Labour is well directed, if the fairy of good management appears on the scene . . . Labour can and does produce wealth beyond the schemes of avarice."

Leverhulme also embarked on a plan to make certain qualified employees "co-partners," but the incentive was not great enough to be practical. Having pioneered the eight hour day in England, he then set out to push for a six hour day, planning to run two shifts and reduce his overhead. Like similar American schemes, this did not work out because it meant re-arranging the lives of the employees, which they refused to permit.

LABOR POLICIES

Even this brief resumé of the labor policies of two of our companies, however, illustrates the fact that they have been financially able to offer their workers more security, better working conditions, and sometimes better pay than more competitive industries. They frequently lend themselves to more effective union organization also.

It is in recognition of this simple fact that Charles E. Noyes writes in the *Nation* (August 6, 1949), that under completely free competition "companies which are at least considering an approach toward a guaranteed annual wage would have to give up all thought of it . . ." As Noyes points out:

> Historically, those who favor vigorous prosecution of monopoly and letting competition take its natural course have the best claim to the name of liberal, but they are also farthest from the advocates of more social security, higher minimum wages, stabilized employment, and a steadily rising standard of living. We cannot have it both ways at once.

"Completely free competition," as in pre-United States Steel days, for example, in steel, meant vigorous price-cutting and wage cutting, the killing of company after company (with subsequent loss of jobs), and a general instability of the labor market. Unbridled competition in oil manufacturing had much the same result. In the motor-car field, it resulted in the speed-up labor policies of Henry Ford and the lengthy fights against union organizations. *Fortune* magazine puts the case differently:

> Americans . . . overlook the fact that the kind of competition they really believe in is not the *genuine,* old-time, cut-throat warfare that ended in the monopoly of the victor and panics and depressions for everybody else, not the competitive carnage, predicted by Marx, that featured the early history of the Standard Oil and even of Unilever itself.

At that, they are merely following the trend of the New Deal, and the Fair Deal, administrations which seem to regard both price and production fixing as eminently desirable under certain conditions.

There are, then, certain obvious and important advantages in the dominance of a whole industry by a few big companies, not the least of which are stability, high quality, and the possibility of good labor practices. The three big soap concerns illustrate these advantages.

These same concerns also offer example number one of the evils implicit in monopolies and trusts. As we noted above, the prices on soaps, soap powders, and detergents has dropped very little since the end of the war. The raw materials for making soaps, inedible fats and oils, dropped to a third of their former price in this same period, because of government restrictions on exports[1]. It is maintained, with logic, by the inedible fats industry that the big three soap companies

[1] Tabulation of prices of soap and soap products compared with prices of inedible tallow and grease for selected periods (taken at random from retail and chain store advertisements in the *Washington Post* and *Washington Evening Star,* and from *New York Journal of Commerce*).

	April 16 1948	Jan. 20-28 1949
Palmolive (bath)	2 cakes, 29 cents	2 cakes, 27 cents
Ivory (large size)	2 cakes, 35 cents	2 cakes, 33 cents
Ivory (medium size)	11 cents	10 cents
Camay soap (regular)	2 cakes, 19 cents	2 cakes, 19 cents
Camay soap (bath)	2 cakes, 27 cents	2 cakes, 27 cents
Lux (bath)	2 cakes, 29 cents	14 cents
Lifebuoy	2 cakes, 21 cents	3 cakes, 25 cents
Ivory Flakes (large)	33 cents	32 cents
Oxydol (large)	36 cents	30 cents
Duz (large)	36 cents	32 cents
Rinso (large)	36 cents	32 cents
Supersuds	36 cents	32 cents
Inedible animal fats:		
Fancy tallow (lb.)	22 cents	8¾ cents
Yellow grease (lb.)	21 cents	8 cents

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knowingly and deliberately urged the maintenance of export controls on these products to force down the price of the raw materials. The big three soap companies, in actual fact, have maintained throughout this period that a serious shortage might develop were export controls dropped.

It must be remembered, in all fairness, that there are a great number of smaller soap companies in the United States, and that the soap industry as a whole has been having a difficult time marketing its products. According to a survey made by *Business Week,* in May of 1948, there were some 60 soap companies representing 90 per cent of United States soap production. Although tallow and other inedible fats had dropped in the five months after January, 1948, from 27 cents a pound to 13 cents a pound, other soap ingredients were still priced high. Coconut oil, for example, was priced at three times the war-time ceiling price. Labor costs had risen also. Nonetheless, consumer resistance was forcing the larger companies to make small reductions.[2]

Meanwhile, the smaller soap companies remained completely in sympathy with the aims of their larger brothers, because they are far less able to store raw materials cheaply and to adjust quickly to changing market conditions than are companies with better facilities and more capital.

Naturally enough, to the soap industry, the production of inedible fats and oils is subsidiary to their prime interests. When discussing the attitude of the inedible fats industry, it must be remembered that this is not a simple case of a large and powerful trust (in soap) against a number of weak, small companies working in fats and oils. On the contrary, there is ample evidence in other fields that the meat packers, particularly the big meat packers, form a similar trust group. This becomes, then, an example of two big businesses fighting each other at the expense of the consumer, who now is paying high meat prices, high soap and vegetable shortening prices and, of course, high taxes.

[2] In early 1948, each of the Big Three cut 5 per cent on most soaps and in May of that year they cut an additional 6 per cent. At the same time, Lever Brothers raised the price of their vegetable shortening, Spry, 2 cents per pound and Procter and Gamble shadowed this move with Crisco. The high prices on these vegetable shortenings for cooking has meant that table margarines undercut them pound for pound.

When decontrol on inedible fats and oils was being studied in Senate committee hearings, Francis McIntyre, of the Commerce department, declared that when partial decontrol was announced "the soap industry was disturbed that it may have been premature and that the supply of inedible tallows for the soap industry . . . might be jeopardized . . ."

The importance of the fats and oils industry has been summed up (in Senate Committee Hearings) by L. Blaine Liljenquist of the Western States Meat Packers:

> Fats and oils are not just a by-product, as many people in the past have supposed. This year fats and oils produced from domestic materials according to estimates by the Department of Agriculture will total 10.3 billion pounds, and of this amount about one-half will be animal fats and oils, and the other half vegetable oils, such as soybean, cottonseed, and peanut oil. Fats and oils is a big industry, *representing about* 10 *per cent of the income of farmers* [italics mine] and when the price of fats and oils drops ten cents a pound the farmers lose a billion dollars in farm income.

Representative Ben F. Jensen, of Iowa, put the matter somewhat differently, declaring that:

> Our production of fats and oils—butter, cottonseed oil, linseed oil, corn oil, soybean oil, peanut oil, tung oil, lard, tallow and greases approximates 10,000,000,000 pounds per year. Our national production of fats and oils is therefore very important in our national economy. For each ten cents a pound there is involved $1,000,000,000 of gross farm income and $7,000,000,000 of national income.

In addition to the loss of farm and national income, the drop in the price of lard and tallow has a more direct effect on our cost of living. Carl H. Wilken, of the Raw Materials National Council, has made a study of the effect of these falling prices on the price of meat. In order to break even, according to Mr. Wilkens, the packer should get a price for lard, tallow, and hides somewhat higher than the live price.

> In analyzing price relationships of fats and oils, hides and meat products to live costs, it should be borne in mind that the producer cannot segregate these items and in the feeding

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> process must produce all of them. The attitude of the departments [federal] toward the fats and oils situation indicates that they look upon fats, hides, etc. as by-products and seem to forget that when a steer is purchased at $40 per hundredweight that this also represents the cost per pound of tallow and hides. Any reduction that the packer or distributor must take below the live cost must be added on to some other part of the carcass in order for it to pay out.

Thus, the dropping price of tallow, lard, and other so-called "by-products" has meant that the consumer must continue to pay high prices for meat. As Wilkens points out:

> Summarizing the effect of the price dislocation, no one has gained as the result of it, *with the possible exception of the soap industry* [italics mine], which has the advantage of cheap fats for their industry. The consumer has paid for the lower lard prices, the advance in choice cuts of meat having been used to offset the relatively lower lard price.
>
> The principal result has been to discourage the producer in feeding to heavier weights, thus curtailing the production of both fats and meat products. In addition, the farmer has suffered a direct financial loss.

EXPORT CONTROLS

When Dr. John L. Coulter, Consulting Economist, took the stand at the Senate committee hearings on export controls, certain senators closed in on the soap companies. After Dr. Coulter offered the table of soap prices cited above, the following conversation took place:

"The Chairman (Burnet R. Maybank, South Carolina). In other words, Doctor, for the record, the ingredients from which soaps were made of principally has gone down 300 per cent.

"Mr. Coulter. Down to about one-third of what it was.

"The Chairman. And it has not reduced the price of soap to the consumer one cent?

"Mr. Coulter. That is true.

"The Chairman. The reason for all these high prices in the past year or so has been on account of the farmer—you have heard that said, haven't you?

"Mr. Coulter. Yes.

"Senator Robertson (Virginia). Let the doctor give us those prices on soap. Have the prices of their fats and oils gone down?

"Mr. Coulter. The price of their fats and oils and, incidentally, *the tallow and grease represents about 60 per cent of the fat and oil requirements*. [italics mine] At the early period the prices were 22 cents and 21 cents. That is for tallow and grease. That is fancy tallow and yellow grease. Presently the price is 8¾ cents as the high point and 8 cents on yellow grease. So that the prices of these ingredients are just about a third of what they were, whereas there has been only the very slightest fluctuations [in soap prices].

"Senator Robertson. As those prices for their raw products were falling, your figures indicate that the soap manufacturers were in more or less of a position of Old Black Joe, 'Why should I weep, for my heart it fells no pain?'

"Mr. Coulter. Yes.

"The prosperous condition of America was such that they did not have to reduce the price of soap materially; and by the backing up of stock piles, or what is called the stocks in warehouses, the backing up of that material in inventories has so depressed the market that they have been able to secure their raw materials at roughly a third of what the price was, substantially, a year ago.

"The Chairman. I imagine they were the ones that complained about the decontrolling yesterday—because a witness here earlier said someone had complained.

"Mr. Coulter. I think they may have requested the decontrol. I wouldn't know. Because the decontrol is applied to soaps as well as the raw materials. The decontrol announced yesterday, included all of the soaps, and it may be that they are in a position with such large inventories really to serve the world and clean them up.

"Senator Taylor (Idaho). Dr. Coulter, what percentage of these inedible fats and oils go to soap manufacturers?"

"Mr. Coulter. Of the inedible tallow and grease, it runs up to 75 or 80 per cent.

"Senator Taylor. Of that 75 or 80 per cent which is consumed by the soap industry, there are three firms that use 70 per cent of that; 70 per cent of the 75 or 80 per cent?

"Mr. Coulter. I should think that is probably so, but I do not have the exact figures on that.

"Senator Taylor. Then the soap industry

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is the one that would depend on keeping these controls on and kicking the price to the farmers down to a third of what it was and the consumer has not benefited appreciably?

"Mr. Coulter. That is so.

"Senator Taylor. In other words, by keeping the controls on we are making it possible for the soap manufacturers to get their raw materials at a third of what they were paying, but the farmer has suffered a two-thirds decrease in his price, and the consumer has not benefited. It would seem to me, logically, therefore, that we should take controls off and let them ship the fats abroad, even if they should become in short supply, because the people aren't benefitting anyway. We obtained the soap just as cheap when the materials were scarce.

"Senator Sparkman (Alabama). . . . the statement was made, and you seem to concur in it, that three firms used by far the major portion of these nonedible fats in the manufacture of soap and soap powders.

"Mr. Coulter. According to the soap journals, the publicly published lists of surveys from time to time, the three largest concerns are Procter and Gamble, Lever Bothers, and Colgate-Palmolive-Peet Co. Each of them has one to four or five different advertised specialties. I mean they don't have just one each, like Lux or Camay does. Some of them have two or three or four or five different brands.

"Senator Cain (Washington). When might we expect the raw material situation to be reflected in a lower consumer price? I don't know very much about this field at all. But it seems to me that there is a time lag involved in this question, and that much of the soap, for example, that is being sold at the same price as it was sold some time ago is being sold because they have on hand the raw materials of which the cost to them was a great deal more a few weeks ago than it is now. Is that a reasonable assumption?

"Mr. Coulter. These prices have been low now for quite some time, back to about the period to which I referred . . . It is perfectly obvious that in the case of the basic fats, inedible tallow and grease, they are produced quite uniformly throughout the year—12 months, 52 weeks—because cattle are being slaughtered, hogs are being slaughtered, and meat shops are selling meat to people, and the fats, the materials that are trimmed in the butcher shops are turned over to the processors, are very uniform month after month, and that the total production month by month is about the same as the total consumption, and the total stocks at any time are only about five or six weeks supply so there shouldn't be a lag of more than a month or six weeks, in my opinion. That is without trying to get too much—

"Senator Sparkman. Of course, if they raised their prices on the retail shelves as the prices of raw materials went up, they ought to lower them on the retail shelves as the price of raw materials comes down.

"Mr. Coulter. I think in a very reasonable period, because it isn't a matter of a month in which soaps being made are on the shelves."

Naturally enough, one of the most important questions affecting the decontrol of fats and oils is the problem of what constitutes a shortage and what a surplus. Mr. Coulter described the situation as follows:

"The stocks—that is to say—warehouse stocks on December 31, that is the first of last month (1948)—were about 350,000,000 pounds greater than the 1st of January 1947; 320,000,000 if you go back one year. In other words, this stock pile has been accumulating now for the last two years and is up a matter of 350,000,000 pounds. We cannot see that it is in short supply or that there is any probability of being in short supply from the standpoint of the general welfare of this country, and it clearly has so depressed the price to farmers that with lard at 13 cents while live hogs are, say, 23, it just doesn't make rhyme or reason. The same thing with tallow at eight or nine cents. Live cattle are three times that. It just doesn't represent values."

The Department of Agriculture, charged with estimating domestic stocks in advance, has underestimated stocks and maintained export restrictions. Wilbur La Roe, of the National Independent Meat Packers Association, told the committee that:

"One of the grave difficulties in this whole picture is the amount of guesswork in which the Department of Agriculture engages because of the lack of reliable information as to

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the domestic stocks. For example, last year they estimated ending stocks of inedible fats and oils at 694,000,000, and it turned out to be 788,000,000 or nearly 100,000,000 pounds underestimated. On the basis of such an underestimate they restrict the exports and the result is demoralization.

"The record of the conference before the Department of Agriculture on November 29 last [1948] shows that government officials and producers of inedible tallow and grease have frequently agreed that 200,000,000 pounds of storage stocks is an ample inventory to be normally maintained, yet at the beginning of last year there were 244,800,000 pounds in storage and this climbed by April to 365,000,000 pounds. . . .

"The increased use of detergents in lieu of fats and oils makes the situation worse, and if the consumption is less than the estimates, and if exports are restricted, we have a piling up and a price demoralization such as we have now. The use of detergents strikes a severe blow at the whole fats and oils industry and makes severe export controls less justifiable than ever."[3]

The distress of the smaller meat and processer plants cannot be denied, and at the Senate hearings letter after letter was introduced as evidence of hardship due to export controls. "Under export controls," writes the Potts and Wal Packing Company of Oklahoma, "the Nation is just about to drown in its own grease . . . We find it almost impossible to move inedible fats at any price, and lard is selling four cents below the live-hog cost. Surely it is time to decontrol fats and oils, so that the industry can get its fat out of the fire."

From the Great Falls Meat Company of Montana, in business for 61 years, comes the complaint that "there is a lack of demand in the country for inedible fats and oils and we are forced to sell at ruinous prices and are at the mercy of the large users."

It can hardly be denied that all the influence of the soap companies, and particularly the influential Big Three, was exerted to keep controls on inedible tallow and grease. With foreign markets rigidly restricted, the soap companies were able to buy up raw materials extremely cheaply, while the prosperity of the company enabled them to maintain high prices. This, of course, is one result of big business—its effect on government policies. After Mr. McIntyre of the Commerce Department took the stand at the close of the hearings quoted, Senator Maybank summed up the available information:

"The Chairman. You have had the inedible fats and oils under quota; very little was shipped out. You know that the price today is only one-third what it was a year ago. Mr. Coulter testified that 75 per cent of the soap business in this country is in three firms. He testified that 75 per cent of their product was the inedible fats. Then he read a table showing that the price of soap was 14 cents and 21 cents against 21 cents . . . It does appear to me that this thing involves more than the limitation of supply in this country. What you have really done is, you have reduced the market with the surpluses to let the soap people buy these goods at two-thirds off; and they are charging the same price today as they did before.

COMMERCE DEPARTMENT

I wouldn't charge there is anything wrong . . . The Commerce Department has permitted Procter and Gamble and two other companies to make countless millions. Maybe if you had taken the restrictions off, they would have gone down, too . . ."

Then Senator Maybank went on to ask:

"What is the truth of this soap thing? As a matter of fact, I am going to start an investigation on the difference between what the farmer gets and what the manufacturer gets and what we pay for it. We haven't got the staff. I am going to get the staff. There is something terribly wrong. The most glaring example was in this instance of these three soap manufacturers who got 75 per cent of the business in the United States; and 75 per cent of what they used has gone down 66 2/3 per cent, and soap hasn't gone down."

At the moment the United States is committed to attempting to maintain full employment and to add to the "social security" of all its citizens. By full employment we mean employment of as close to 60,000,000

[3] Detergents injure the tallow and grease market but do not affect the big soap companies who participate in their manufacture.

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as possible at wages that tend to rise both in real value and in dollars.

By social security we mean primarily the various "benefits" which industrial labor receives from the insurance state, plus the benefits the farmers receive from the various "parity" plans. These parity plans are intended to protect the farmers real income and his dollar income.

In this specific instance, a combination of plans has worked out to the ultimate best interests of the three great soap companies. In Senator Maybank's words there are "three soap manufacturers who got 75 per cent of the business in the United States; and 75 per cent of what they used has gone down 66 2/3 per cent, and soap hasn't gone down."

In this specific instance, particular plans did not work out. Our policies seem either to promote or to aid in creating the old liberal bugbear "monopoly."

Basically there are two attitudes that can be taken toward the problem of government intervention in business. It can be designed to prevent and correct abuses or it can be designed to promote the positive good of the community. Our "anti-trust laws" are based on the first assumption. Our "control" programs are based on the second.

The first view-point is that of the old-line progressives and of the original liberals. The second is that of the "planners" of today. Although Jefferson is still thought to be the founder of the Democratic Party, he was completely committed to the theory that "that government governs best which governs least." This idea is, of course, anathema to the planners. It seems obvious to them that men will do better by "planning" than they will do by following a system of laissez-faire.

The obvious lesson to be learned from the preceding pages is that plans do not always work out. No matter who sets up the various controls that resulted in such great gains to the three large soap companies—the gains were not the result of plans in the sense that anyone can say " we planned it that way."

Certainly the soap companies seem to have profited and profited as a direct result of the plans—but this particular result was unforseen. The problem of the country is to establish a method of checking plans before they are put into operation. We must estimate what result we expect them to have. Then, after they have been in operation, use the same measure to test whether or not, in fact, the plan has worked out as its sponsors expected it to do.

A speaker from the University of Texas was speaking at a large convention at which a large number of Oklahomans were present. When he generously mentioned the neighboring state as an "outlying province of Texas," a husky Oklahoma man leaped to his feet and shouted back, "Brother, there isn't any state that can out-lie Texas!"—*United Mine Workers' Journal.*

The old lady went to a tombstone-cutter's office to order a stone for her husband's grave. After explaining that all she wanted was a small one with no frills, she told him to put the words, "To My Husband," in a suitable place.

A few days later she went to see the stone and, to her horror, read: "To my husband, In a suitable place."—*Montreal Star* (Canada)

In the latter days of the war, British medical men were considerably puzzled by frequent references in reports from battle areas of a strange malady termed "Unter's disease." It appeared to be a psychosomatic disorder of rather dubious validity, but a thorough search of all available reference works gave no helpful hint. Finally, the mystery was cleared up:

Toward the end of the war, patients included many Polish and German prisoners of war. They complained of frequent and elusive pains. "Doktor, ze pain it is terrible 'ere und I 'ave it 'ere, and 'ere, and 'ere." Hence, physicians soon came to recognize and classify these ills under the onomatopoeic term, "Unter's diseases."—*Lancet* (British medical journal)

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More Than

FIFTY YEARS OF FORUM

Prior to the Democratic National Convention in 1928, FORUM carried an article entitled "Al Smith and a Catholic Party—A Three Cornered Debate." The participants were Mr. Stanley Frost, a Washington correspondent, Mr. Michael Williams, editor of *Commonweal,* and Mr. William Bennet Munro, Professor of Government, Harvard University. They were concerned with the question of whether or not a Catholic Party in the future would be a possibility if Al Smith was either defeated in nomination or in election. Mr. Frost took the affirmative:

"The possibility has been very gingerly handled by the newspapers, but they have recognized it already, though in language intended to obscure the fact that the Catholic issue is at the bottom of the situation. Mark Sullivan, for example, recently said in *The New York Herald Tribune* that one of the arguments used by the Smith workers to line up delegates, is that 'if Smith is denied the nomination, some 3,000,000 or 4,000,000 voters in New York and the East will leave the party not only in this coming election, but in future ones.' The implication is obvious, for the number of voters he mentions coincides with the estimated Catholic vote."

In this month's issue of FORUM, William G. Carleton gives us a picture of the believers in "The Popish Plot of 1928" and their fears of a Smith victory. Oddly enough, Stanley Frost's forebodings of the results of a Smith defeat are scarcely less dire. Here are Mr. Frost's speculations as to what might happen if Smith was defeated and a Catholic party formed:

"It would mean the opening of an entirely new era in politics. In the first place, as has been stated, it would revolutionize the traditional American principle that church and state shall be separate. It would make the Catholic question a permanent source of political friction, and emphasis upon it would often divert attention from other important issues. It would add another chronic quarrel to the present causes of religious rancor.

"It would cause a complete realignment of parties in a few years, and perhaps almost at once. The Republican Party would probably for years, have a strong plurality over any other, and could run the country unchecked by any competent opposition. This would naturally bring the dangers normal to such a condition: lop-sided legislation, neglect of the interests of minorities, and corruption. Meanwhile, Southern Democrats would be expected to join with the Mid-Western farmers in an Aguarian-Democratic Party along the lines so much discussed in the last two years. In time, this would approach nearly enough to the Republican strength so that Catholics would, in turn, pass as other minorities followed the example of the Catholics, and the two-party system, with its fairly well-fitted responsibility, would disappear. Instead, we would have an indefinite number of blocs, and might presently see Congress going through the kaleidoscopic duties of the French Chamber of Deputies, with coalitions forming, dissolving, and exploding, and, with all the interesting if insecure politics and ill-considered legislation inherent in the system."

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Congress Debates: The Minimum Wage

ADMINISTRATION forces in Congress again met defeat on August 11 at the hands of the Republicans and the Southern Democrats when the Lucas bill amending the Fair Labor Standards Act was adopted by the House of Representatives.

One of the planks of the 1948 Democratic platform stated: "We favor the extension of the coverage of the Fair Labor Standards Act as recommended by President Truman, and the adoption of at least 75 cents an hour in place of the present obsolete and inadequate minimum of 40 cents an hour."

On March 19, 1949, Representative John Lesinski, Democrat, Michigan, introduced the administration's measure H. R. 3190 to extend the coverage of the Fair Labor Standards Act and to raise the minimum wage to 75 cents an hour. The measure failed to gain House approval and was sent back to the Committee on Education and Labor. The bill was not reported out again nor was it considered again by the Committee.

Mr. Lesinski then applied to the House Rules Committee for clearance for a new bill H. R. 3190. Mr. Lesinski said that opposition of the Southern members of Congress to the original bill made his procedure necessary.

Mr. Lesinski's new bill indicated that the administration realized it could not extend the coverage of the Fair Labor Standards Act as widely as it wished. The bill was submitted to the House on August 8. It was already known that the members of the Committee on Education and Labor who did not favor the Lesinski bill intended to introduce and support the bill of Mr. Lucas, Democrat, Texas. On August 9 the Lucas bill H. R. 5894 was offered in the form of a substitute amendment to the Lesinski bill.

The chief difference between the two bills was in the amount of coverage which they granted and in the minimum wage rate. The Lesinski bill provided for a flat minimum of 75 cents an hour. Originally the Lucas bill called for a sliding scale minimum starting at 65 cents an hour, to be adjusted upward and downward on a cost of living index. Prior to the adoption of the Lucas bill, it was amended to replace the flexible minimum with the 75 cent an hour minimum wage. Amendments were also adopted to bring the fish canning and processing industry workers under the act, and to reduce the number of stations a public telephone exchange must have in order to be exempted from coverage from 750 to 500. Clarifying amendments were added pertaining to overtime provisions, sawmill employees, and small daily newspapers.

The debate on the Lesinski and Lucas bills shows how regional and economic loyalities transcend party loyalties. The Democrats berated the Southerners for joining with the Republicans to defeat the fulfillment of a Democratic campaign pledge. The Republicans accused the Lesinski forces of gaining what support they had from the South by an out and out deal to exempt the southern lumber industry from the provisions of his bill.

There was hardly an economic group which was ignored in the debate: the telephone, lumber and sugar industries, canneries, fisheries, typewriter repair business, druggists, newspapers, window washers, retail stores, wholesalers, grocers, mail order houses, and the white collar workers.

FORUM has selected those portions from the debate on H. R. 5856 and 5894 which show as many as possible of the economic groups whose interest Congress was aware of in its consideration of the bills.

. . . . . .

The Congressional Record. *The House of Representatives.* Vol. 95. No. 143, pp. 11212-11213; No. 144, pp. 11328-11336, pp. 11338-11339, pp. 11344-11347.

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Mr. LESINSKI, Democrat, Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5856) to provide for the amendment of the Fair Labor Standards Act of 1938, and for other purposes.

The motion was agreed to.

. . . . . .

Mr. LESINSKI. Mr. Chairman, I yield myself 12 minutes. . . .

Today we are beginning to consider one of the most important pieces of legislation to come before the Members of the House this year. It will have far-reaching effects upon every citizen in the country.

It deals with a most vital question to many wage earners. That question is whether he shall be guaranteed a minimum wage of $30 a week for 40 hours of work on which to sustain himself and his family.

How anyone can argue that $30 a week is too large a wage to pay a man for his labor is something which I cannot understand. Thirty dollars a week will hardly give a man enough to buy food and shelter for himself and his family, let alone provide any of the other things which we in America have come to consider as necessities.

In these days of a $250,000,000,000 public debt, with a yearly interest rate of around $5,000,000,000, I do not believe that this country can afford to have workers whose wage nets them less than $30 a week.

The Democratic platform on which the President was elected last November called for a minimum wage which would provide our workers with at least $30 a week for 40 hours of labor. The President has consistently requested the Congress to enact such minimum-wage legislation.

It is estimated that a 75-cent-per-hour or $30-per-week minimum will mean a direct increase of less than 1 per cent in the total pay roll for employees now subject to the act. This means that there will be an improvement in the level of living of about one and one-half million workers who are now receiving less than the proposed minimum. The vast majority of these workers are now earning more than 60 cents per hour, and therefore the benefits they will receive will amount to about 10 and 15 cents an hour. . . .

Much of the opposition to a higher minimum wage comes from those who opposed any minimum wage at all when the act was brought into effect in 1938. Opponents of the theory of the minimum wage declared solemnly that such legislation would wreck American industry. More than 10 years of experience has apparently not convinced these doubtful ones that a minimum wage and maximum-hour law is workable and that it is good for the American economy, for American workers, and for American employers, at least for those employers who are not interested in maintaining sweatshop conditions in their factories and plants and who desire the protection of minimum wage legislation from competitors who do desire such conditions.

In 1938, as in 1949, witnesses appeared before the House Labor Committee and declared that a minimum wage law would cause unemployment. Let us look at the record. There is no substantial evidence that the minimum wage law in 1938 created any important curtailment of employment, and I am satisfied that a minimum which gives a worker $30 a week will not cause any substantial curtailment of employment in 1949. You must realize that the impact of a 25-cent minimum in 1938 was less than a 75-cent minimum today in terms of the number of employees to be directly affected.

Undoubtedly, there will be some discussion on the floor concerning the origin of the bill now before the House, H .R. 5856. As you all know, the Committee on Education and Labor, approved H. R. 3190 in March.

As time went on it became evident that there was serious opposition to some of the provisions of H. R. 3190, principally to the broadened coverage which would have been accomplished by that bill, and I, therefore, asked a group of the Democratic members of the committee, including the gentleman from Texas [Mr. LUCAS], to try to work out a bill which would meet the most serious objections to H. R. 3190. This committee met over a period of several weeks without coming to any agreement on the major differences between H. R. 3190 and the Lucas bill, H. R. 4272, which had been introduced by the gentleman from Texas [Mr. LUCAS]. . . .

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I was most anxious that the minimum wage law should be revised at this session of Congress. Therefore, when no agreement could be reached with the gentleman from Texas [Mr. LUCAS], I instructed a group from the Education and Labor Committee to meet with other interested Members of the House principally from the Southern States to see what could be done to meet the objections which had arisen.

This group met for a period of almost 2 months. Many individual Representatives took part. Members of the House from Texas, Oklahoma, Arkansas, Georgia, and South Carolina, as well as Members from the Northern States, met and thrashed out their problems.

H. R. 5856 is the result of these weeks of consultation and work. I believe that it represents an honest endeavor to write a minimum wage law which can be supported by all the Members of the House.

On one feature of the bill the differences were so wide that it was acknowledged from the beginning that no compromise would be possible. That feature was the minimum wage. It was understood that the minimum wage would be submitted to the House to be fought out on the floor.

I have outlined in some detail the background of H. R. 5856 because I believe it is important for the Members of the House to realize that this bill is a compromise effort to reach agreement on a minimum wage bill which would be acceptable to the House.

I, personally, would like to see a higher minimum wage with much broader coverage and a greater limitation of exemptions than are contained in H. R. 5856. However, I have been a Member of Congress for almost 20 years and I have learned that you cannot expect to get everything which you desire in any one piece of legislation.

Therefore, I introduced H. R. 5856 in the hope that it could be enacted into law and that in future sessions of Congress further improvement could be made. . . .

I am glad that the Rules Committee saw fit to grant a rule which makes H. R. 5856 the bill for the consideration of the House. This presents a clear legislative picture on which the Members may intelligently work their will.

I understand that the gentleman from Texas [Mr. LUCAS], a member of the committee, intends to offer his new bill, H. R. 5894, as a substitute for H. R. 5856. I think the Members of the House should realize the differences between the Lucas bill and the Lesinski bill.

The Lucas bill would remove more than 1,000,000 workers who are now covered from the protection of the wage-and-hour law. The Lucas bill will tie the minimum wage to a cost of living index—a plan which even the United States Chamber of Commerce has condemned as unsound. And finally, the Lucas bill, by its introduction of many new terms into the law will create great uncertainty which can only be settled by Supreme Court decisions after years of litigation.

For these reasons I ask the Members of the House to enact H. R. 5856 without amendment.

. . . . . .

Mr. COTTON, Republican, New Hampshire. Mr. Chairman, I am for a straight 75-cent minimum wage for all employees covered by the present law. I have stated my opinion on this point publicly several times during both the Eightieth and Eighty-first Congresses. My position on this point has been strengthened recently by the fact that the governor of my state has endorsed this standard and both branches of the legislature have passed resolutions calling for it. Recently I have considered carefully the proposal for a sliding scale and have come to the conclusion that I cannot accept it. A minimum wage should be exactly what the term implies—a minimum wage. That means a fixed amount, not an escalator. We are not seeking to determine a wage scale, but a minimum point and that point should be definite.

I believe, however, that it would be most dangerous to pass the Lesinski bill. Under that bill many of the exemptions contained in the present law are removed and small business enterprises, which are actually intrastate in their character, will be brought under the requirements of the act. Others will be in a quandary as to whether they are under the act or not. Certain processors of farm produce would also be included. Furthermore, the bill contains several vicious provi-

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sions, one of which will add confusion to the question of overtime on overtime; and another, section 7, authorizes the Secretary to bring suits on behalf of the employees, which will cause untold confusion and a multiplicity of lawsuits.

I earnestly hope that when the final vote comes on this question we shall not be compelled to choose between a minimum wage less than 75 cents or a law which may endanger small business enterprises and deprive their employees of work. I am willing to go a long way in supporting the 75-cent minimum wage, but I doubt if I can pay the price of accepting the Lesinski bill in its present form.

The Lucas bill clarifies the present law, preserves its safeguards, and if amended to provide a 75-cent minimum, would in my opinion be the best legislation we could enact. I shall support such an amendment to the Lucas bill and if it is adopted vote for the bill. If the Lucas bill is not adopted, I trust that proper amendments may be adopted to the Lesinski bill to restore existing exemptions. In which case, I could support that.

I do not care what name may be given the act, or what its number may be, provided we increase the minimum wage to 75 cents an hour and preserve the exemptions and safeguards of the present law.

. . . . . .

LUCAS BILL

Mr. PERKINS, Democrat, Kentucky. Mr. Chairman, it seems to me that if we are going to pay our national debt we must maintain a high national income. There is no better way to maintain a high national income than to stabilize our economy by putting a floor under wages. Many of us contend that a meager $30 a week should be guaranteed to workers throughout this country engaged in interstate commerce.

The Lucas bill, H. R. 5894, proposes that the minimum wage be modified with reference to a change in the index in the cost of living. This is a procedure to which I am utterly opposed. It means frequent changes in the minimum wage by small amounts, perhaps a cent or two per hour, and leaves everyone in the dark as to what the minimum wage actually will be annually. . . .

What does this Lucas bill provide? It provides 65 cents an hour until December 31. Assuming that the amendment to be offered by the gentleman from Illinois was adopted, amending the Lucas bill from 65 cents to 75 cents, it would only provide 75 cents an hour until December 15, 1949. It would be possible next year for the rate to be 50 cents an hour, and I am sure that there is not a member of this body who does not want to look beyond next December 31 and head off the possibility of the minimum wage next year being 50 cents an hour. That is the reason I say that if we vote for the Lucas amendment we are short-sighted insofar as trying to plug up holes that now exist in our economy. . . .

Those of us who have faith in the minimum wage principle believe that a stable statutory minimum wage does prevent wages from breaking too sharply, with the expectation of still further breaks to come. We must remember that a fundamental purpose of all minimum wage legislation is to fix a floor for wages and to prevent hesitation, delay, and uncertainty that arise when producers have no measuring rod whatever to define what their competitors' costs and prices might be.

We must recognize also that the administrative problems created by frequent changes in the statutory minimum wage would be considerable. It takes time and frequent visits from investigators to get across the requirements of a minimum wage law to all employers. We know that many violations are unintentional and that once the matter is explained there is less of an enforcement problem thereafter. If minimum rates were changed by some index of the cost of living, this might involve small annual changes up and down frequently enough to make the problem of compliance and investigation more difficult to enforce, while the question of good faith and the application of the penalties of the law would always be involved.

This Congress recently showed its disapproval for flexible price supports, and I am of the opinion, after careful consideration is given to the Lucas bill, H. R. 5894, which provides a flexible minimum wage tied in with the cost of living, that this Chamber will overwhelmingly vote down such legislation which could have a disastrous effect upon our economy.

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To get away from the fear that exists today, we should plug up these holes which are materially affecting our economy. I cannot think of any greater asset to our economy than passing an inflexible minimum wage law with the floor at 75 cents.

As a member of the Committee on Education and Labor, I voted for H. R. 3190 because I felt that an increase in the statutory minimum wage is necessary to promote the general welfare. In the light of our 10-year history with the national minimum wage law, I am convinced that an increase in the statutory minimum wage to at least 75 cents an hour is necessary, first, in order to bring the statutory 40-cent rate into conformity with post-war prices and the cost of living, and second, in order to require industries in interstate commerce to pay a living wage to their workers.

It is a curious thing that those who oppose an increase in the statutory minimum wage are the very ones who seem to be so fond of the principle of adjusting wages to changes in the cost of living. Yet it is a fact that the 40-cent minimum provided in the law of 1938 was adopted by some industries as early as 1940 and was generally attained in practically all industries by 1942. At that time the index of consumers prices for moderate-income families was 116—1935-39=100.

At the present time this index of consumers prices stands at about 170, two or three points below the high reached during the post-war period. In other words, the cost of living is about 60 per cent higher than it was in 1942. Anybody who received only 40 cents an hour in 1942 and is not receiving 65 cents an hour for the same work in 1949 is being paid less than the minimum wage which was established in 1938, when we had a national income of about $65,000,000,000, in contrast with the national income over $200,000,000,000 in 1948 and 1949.

Considering the sharp increase in income from all sources, it is altogether unreasonable to maintain the same minimum wage standards which we adopted in 1938 when the national income was only $65,000,000,000 and we had about 8,000,000 unemployed. The 40-cent minimum rate of 1942 is the equivalent of 65 cents in today's purchasing power.

The 10-cent additional increase which carries the statutory minimum to 75 cents is another 6-per cent increase in terms of the purchasing power of 1942—altogether an increase averaging about 1 per cent a year since 1942. The increase in real wages through the years has averaged about three times this amount. As early as 1945 the Senate Labor Committee approved a 65-cent minimum with an automatic rise to 75 cents.

In 1946 the House also voted out a 65-cent minimum. Since January, 1946, average hourly earnings in manufacturing industries have gone from $1 per hour to $1.37 per hour, or an increase of 37 per cent. An increase of 10 cents per hour over the proposed 65-cent minimum rate in 1946 is less than half the 37-per cent increase for all workers. And this does not take into account the 30-per cent increase in the cost of living since January, 1946. This shows how much these lowest paid workers need the assistance of a higher minimum-wage law.

We know from studies made available to the committee and from material furnished at the hearings that 75 cents an hour or more is the actual minimum being paid in most of American industry today. In most establishments no change will be necessary. I was impressed with the fact that the average employer did not have to be confronted with a change in the law in order to increase the minimum wage he is actually paying. However, some employers could not and other employers would not increase the minimum wage which they are paying unless such an increase were made generally applicable. . . .

Since fewer than 1,500,000 workers all over the country are receiving less than the new minimum, and most of these are already being paid more than 70 cents per hour, the adjustment at this time should not be difficult.

The adjustment which will be required by the 75-cent minimum will be much less than that required when the Fair Labor Standards Act of 1938 was first put into operation. We learned then that an effective minimum wage raises the wages of the lowest paid workers and preserves and encourages competition on a higher plane. Employers who pay unjustifiably low wages are not then given a competitive advantage over those employers who pay a decent minimum wage.

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I said that in addition to the need to bring the statutory 40-cent rate into conformity with present prices and the cost of living, a 75-cent minimum is necessary in order that industries engaged in interstate commerce actually pay a living wage to their workers.

I am not now thinking of a wage necessary to support a family, but just the amount of money required for any self-respecting person to live in any community in the United States. Admitting that the cost of living is higher in our larger cities than in the smaller communities, it must be recognized that 75 cents an hour is only $30 a week even at full employment. In cities like Chicago, New York, Philadelphia, and Los Angeles the going minimum rate is higher than 75 cents an hour, and should be.

The 75-cent rate will just barely provide a living wage for a single person in medium and small-size communities. It is necessary for the health and self-respect of the workers and can in no way injure the industries which may have to increase the wages of a small number of their employees by a few cents per hour.

I want to say that I was personally in favor of the provision in the original bill which would have enabled industry committees, industry by industry, to raise minimum wages up to $1 per hour.

There are a number of industries where most of the employers already pay more than a 75-cent minimum, and if such a rate were made applicable to all competitors, many industries would be agreeable to establish a minimum rate above 75 cents per hour. . . .

There was one other provision of H. R. 3190 of which I heartily approved. This has to do with the application of the minimum wage to retailing. Under the act as originally passed in 1938, the phrasing was so general that the Administrator had little guidance in determining the intent of Congress as to who was and who was not covered in the retail field and he requested a clarification of the provision. We had drawn the line at the point where an establishment did an annual business of over $500,000.

The retailing provision appears under the section of the bill dealing with exemptions. This provision exempts from both the wage-and-hour provisions any employee of a retail or service establishment whose employer did a total annual business of less than $500,000 during the preceding annual year.

In other words, it exempts from the minimum-wage requirements practically all the neighborhood stores. To do an annual retail business of $500,000 a retail establishment would have to employ from 20 to 30 workers. This would be $17,000 to $25,000 annual sales per employee, which is way above the known average. In service establishments, where sales per person are much less because the cost of the goods is not counted, it would mean an establishment employing 40 or more persons. In other words, only the large retail and service establishments, mostly the chains and department stores, would have been covered by H. R. 3190. Testimony was introduced before our committee that showed some of the large department stores of this nation paying their employees a ridiculously low wage.

And why should not they be required to pay the minimum wage? To do an annual business of $500,000 a retail store or service organization can practice modern economies, can purchase on a large scale and engage in business on an efficient basis. There are millions of American workers employed in retailing and there is no reason why those large employers in interstate commerce should not be subject to the same minimum-wage standards of business in other lines.

It is better to draw the line at some definite point which can be determined than to leave the decision subject only to administrative rulings and the possible unequal application of the law. When we permit a man to vote at the age of 21 we have made a firm decision that he is or ought to be a man; this does not mean that there are not some young men under 21 who would not be fit to exercise the franchise or that even occasionally a man over 21 ought not to be given a little more time to find out what it is all about. Still it is better to have a definite guide of calendar years than to go into the circumstances of each case.

By drawing the line at such a large volume

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of business as $500,000 a year, we have assured that the family concern, the neighborhood stores and service shops, and the small struggling establishments will be able to work out this problem in their own way and without the legal requirement imposed on the chains, department stores, and the large retail and service establishments.

However, the committee has deleted this provision from their substitute bill, H. R. 5856, which many members of the Committee on Education and Labor reluctantly agreed to, including myself.

. . . . . .

Mr. McCORMACK, Democrat, Massachusetts. Mr. Chairman, in last night's Washington Star in the news stories on yesterday's debate on the pending bill and under an A.P. dispatch appeared a very interesting observation made by the writer that attracted my attention. He said:

> Many southern Democrats and Republicans were lined up tentatively—

I hope it is only tentatively if what he said is true—

> behind the measure sponsored by Representative LUCAS, Democrat, of Texas, a Labor Committee member.

By "Democrat" he means members who represent districts in States located in the South and his reference was descriptive for purposes of brevity.

I cannot believe that many members from districts in the South will favor and support the Lucas substitute. The results of the Roosevelt and Truman leaderships, particularly along economic lines, have been very favorable not only to the entire country but to the South. Let me briefly refer to them: The Tennessee Valley Authority, agriculture. Where was cotton and wool 16 to 20 years ago? What kind of diversified farming did the South have then? It was under the late Franklin Roosevelt and still later under President Truman that new life was injected into the veins of the system of our whole economic life and the record shows it has particular application to the South.

Under what administrations have greater considerations been expended through rivers' and harbors' improvement, flood control than under that of the late Franklin Roosevelt and now under President Truman? The wage-hour law has been very beneficial. It has brought greater income and the benefits that flow therefrom to millions of men and their families with hope for the future and with stronger moral outlook through the strengthening of the family life.

What about rural electrification? What about the elimination of the farmer-tenant system?

These are all monuments to the memory of the immortal Franklin Delano Roosevelt, which our courageous President, Harry S. Truman, is completing and extending.

The late Franklin D. Roosevelt and President Truman have on several occasions recommended increasing the present minimum wage from 40 cents to at least 75 cents per hour. The 1948 Democratic platform called for an increase to at least 75 cents per hour.

The passage of the Lesinski bill, the main feature of which is the 75-cent minimum wage, is for the best interests of our country.

It seems to me it is particularly so for the people of the southern part of the country, beneficial to all, but certainly not to the exclusion of any part. I therefore cannot believe that many of my colleagues from districts in the South will support the Lucas substitute. It would certainly not be in the best interests of the people. . . .

In relation to the other observation of many Republicans lining up tentatively behind the Lucas substitute, it will be interesting to note the vote. If the Lucas substitute should be adopted in the Committee of the Whole, and I doubt it, and hope it will not be adopted, there will be a roll-call vote on it in the House. If that should happen that vote will determine the position of Members for or against the 75-cent minimum wage. No matter how much a Member may think he is hiding the issue, that will be the issue.

The Republican Party had a meeting recently of members of its national committee to choose a new national chairman. This is the first question of import to the people since the election of a new chairman by the Republican Party. I wonder what his, the new chairman's, position is on this bill?

At that meeting our colleague from Pennsylvania [Mr. HUGH D. SCOTT, JR.], former national chairman, is quoted in the press as saying:

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> Unless we search our souls and stand very clearly in the public mind for things which people instinctively feel are good for them, no amount of well financed public relations will make up for the lack of such a public policy.

Let us all, Democrats and Republicans, "search our souls" and ask ourselves and answer the question: "Is 75 cents an hour too much to pay to persons covered by the wage-and-hour law?"

This bill affords to workers covered the minimum of decent legal consideration. That is the least we can and will do if we only "search our souls."

If the Lucas substitute should be adopted, which I doubt, on roll call, it will be interesting to see, as our friend from Pennsylvania [Mr. HUGH D. SCOTT, JR.] recently said outside of these Halls, how many Republicans have searched their souls.

One thing is certain, the American people are watching this legislative battle. They know the Lucas substitute can only be adopted by the great majority of the Republican Members, plus some Democrats voting for it. The American people have not been deceived or fooled in the past by such tactics. Note I said "some democrats"—not all, naturally. . . .

The American people have not been deceived or fooled in the past by such tactics. The 1948 election is the best evidence of this assertion.

The American people want progressive leadership in government. They quickly detect and on election day repudiate a party of blind opposition, or a political party that fears making its own record by following the leadership of a member of the other party.

As our friend from Pennsylvania [Mr. HUGH D. SCOTT, JR.] said, and he is former Republican national chairman, and his statement is significant today, every one of us if we "search our souls" will vote against the Lucas substitute and for the Lesinski bill.

Let us see what the facts are. There are about 22,600,000 persons now subject to the minimum wage provisions of existing law. Out of this large group about 1,500,000 persons earn less than 75 cents an hour. So, what we are dealing with, those covered by the Lesinski bill, is 1,500,000; not a wage increase to 22,600,000, but 1,500,000, and that is an answer to those who say it would have a serious impact upon our national economy.

H. R. 3190 would have included about 5,000,000 more workers as the result of the changes in its coverage and exemption provisions. Of this 5,000,000 only 900,000 would benefit; this deserving group receiving less than 75 cents per hour.

Under the Lesinski substitute it will be less than 5,000,000, and therefore less than 900,000 newly covered employees who will benefit if this bill is passed. So, under the original House bill as reported by the committee, 2,400,000—1,500,00 under the present law and 900,000 of the 5,000,000 covered by extended coverage—would benefit. It is only that group that receives less than 75 cents an hour; all the others, through collective bargaining and increases given by their employers, receive a rate of 75 cents an hour or more. The Lesinski substitute reduces the number of both groups provided for in H. R. 3190.

COVERAGE

Now, another interesting thing. Of the 1,500,000 workers subject to present law and receiving less than 75 cents per hour, about 1,000,000 are employed in manufacturing industries and about 500,000 in nonmanufacturing industries. Even if the original bill is adopted, as I said, only 2,400,000 workers would benefit by the increase, and one-half of them now earning less than 75 cents are being paid between 65 and 75 cents an hour. Under the Lesinski bill it would be less in number. But, of the 1,500,000 now covered under existing law getting less than 75 cents, and of the additional ones to be included, less than 900,000, one-half of them receive from 65 to 70 cents an hour at the present time.

I refer to this for two reasons: First, to show that the passage of the Lesinski substitute does not mean an increase for all workers covered by the present law, 22,600,000, and by his bill; second, more important is the fact that the wage provosions of the Lucas substitute is an attack on the present wage structure. While I assume he does not intend same, it is, in fact, a wage-cutting bill. That is what the Lucas substitute is. Certainly if anyone is going to vote against the Lesinski

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bill, he does not want to vote for a wage-cutting bill of present wages that the financially unfortunate workers, the 22,600,000 are presently receiving. Who wants to knowingly vote for a wage-cutting bill, particularly to the fine Americans, but unfortunately financially situated persons covered by the wage and hour law or by the provisions of the Lesinski substitute? . . . .

Without regard to party, my colleagues, I say, in the words of our friend from Pennsylvania, "Let us search our souls." If you search your soul and vote your soul you will vote against the Lucas bill. No matter what amendments you may vote for in relation to the Lesinski bill, you will vote for a 75-cent minimum wage for the persons covered by the wage-and-hour law.

Mr. McCONNELL, Republican, Pennsylvania. Mr. Chairman, I yield myself 20 minutes.

Mr. BREHM, Republican, Ohio. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. McCONNELL. I yield.

Mr. BREHM. Mr. Chairman, if I corcorectly understand the parliamentary situation, the vote on the Lucas substitute will not come until after the Committee has had the opportunity of amending it. Now if the Lucas bill should be amended raising the minimum wage from 65 to 75 cents an hour and also if the formula of basing the rate on a cost-of-living index is removed, then the statement just made by the majority leader the gentleman from Massachusetts [Mr. McCORMACK] is inaccurate. For instance, the gentleman from Massachusetts just made the assertion that anyone who voted for the Lucas bill on a roll-call vote would definitely be putting himself on record as being opposed to a 75-cent minimum wage.

Now, Mr. Chairman, my position on this legislation is well known. I have been on public record for quite some time as favoring a 75-cent minimum wage in those industries which are engaged in interstate and foreign commerce. Therefore, assuming that the Lucas bill should be amended as I have indicated and the vote then came on substituting the Lucas bill for the Lesinski bill, the statement made by the gentleman from Massachusetts [Mr. McCORMACK] would, as I have previously stated, not be accurate. I want the record to definitely show this distinction.

There are several provisions contained in the Lucas bill which I prefer over the Lesinski bill. However, I favor that provision of the Lesinski bill which fixes the rate at 75 cents in preference to the Lucas bill which fixes it at 65 cents with future rates being tied to a cost-of-living index. Therefore, my position is quite clear. If the Lucas bill cannot be amended in at least these two specific instances, then I will support the Lesinski bill and attempt to amend it in certain instances. Even if the amendments fail, which I have in mind, I will still vote in favor of final passage, as in my opinion the minimum wage should be increased beyond 40 cents in those industries or businesses engaged in interstate and foreign commerce.

It is my intention at the proper time to offer an amendment to the Lucas substitute in an effort to accomplish the above objectives.

Mr. McCONNELL. Mr. Chairman, I am sorry this issue has to be put in the realm of partisan politics. I do not know of anyone who has searched his heart and soul more than I have over the past 3 years for a correct solution of this problem. First of all there is quite an argument among various people as to the correctness of a minimum wage law—as to whether it is workable in a free economy. Some people believe it should cover every employee in America. There are others who believe it is sound but think there should be many exemptions so that very few will be covered by such a law. Others think we should have a flexible rate while still others say we should have a rigid rate. Frankly, there is a great deal of sincere earnest searching for a correct solution of a difficult problem

We have heard it said rather jokingly, and I think this expresses the situation as I have discovered it over the past several years—it was said to me in a joking way—"Sam, why do not you make the rate from two to five dollars an hour and then exempt everybody?" That is the attitude I have found frequently. They do not mind higher rates, but then they say, "Exempt certain indus-

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tries in my locality." For goodness sake, we must play it down the line and be level with everybody, but you just cannot make something that will suit the entire membership of the House. That is one of the reasons a flexible rate was considered as probably answering the objections of many types of people in their thinking and in their approach to this problem. I will give you a very glaring example. We just heard a speech a few minutes ago on the floor about the desire to help the poor workingman, and yet the present Lesinski bill does what has not been done before, in the Fair Labor Standards Act, and what we are not advocating in the Lucas bill. It exempts large mail-order houses from coverage by the Fair Labor Standards Act. We are not advocating that, but the side which is saying that the soul should be searched, as far as we are concerned, has deliberately exempted the employees of the large mail-order houses from coverage by this act.

EXEMPTIONS

Let us consider another matter. It is almost shocking when you hear it. An exception has been put in here particularly for the Louisiana sugar cane processors that would permit them to work their Jamaican workers 80 hours a week, and pay them 40 cents an hour or less. Is that so humane? Let us call these shots where they fall. I tried to be reasonably patient in this, but I do not like to be put in the classification of being inhuman. We are trying to be human. We are trying to protect men not only as to their jobs but also as to the purchasing power of their dollar when they buy the necessities of life.

I think I made this very clear yesterday when I said that if we could find some way of applying the provisions of this act as it was originally intended by members of Congress, or if we made it applicable to manufacturers, mining, and transportation—those industries in interstate commerce—I would be able to support a 75-cent rate.

We are not cutting wages. To my mind that is the most absurd statement I have heard so far during this debate. We are not cutting wages. We are calling for an increase in the minimum rate at the present time of more than 60 per cent. I am not arguing about the correctness of 65 cents as a starting point. I do not know. I am seeking the right level at which to start the flexible rate. I have not even made an effort to force acceptance of a flexible rate during the years. If there is a better answer, let us find it, but there is one thing I shall insist upon, and that is that I shall be credited with sincerity in my approach to this problem.

When I said I would support a higher rate if a bill were applied to interstate commerce, to big business, but did not extend into the various local small businesses of our economy, I was aware of some statements made in prior years, and I would like to bring them to your attention:

When the late President Roosevelt asked Congress to enact the Fair Labor Standards Act, he said it was to protect "those who toil in factories." He further proposed that those in purely local pursuits and services not be covered.

At the joint committee hearings on the act in 1937, Assistant Attorney General Jackson —now Justice Jackson, Secretary of Labor Perkins, and Chairman Black of the Senate Labor Committee—now Justice Black—all emphasized that the bill was directed at producers for interstate commerce—and that it did not attempt to cover purely local pursuits or intrastate service trades. I will repeat, if this act applied only to those originally intended or if it applied only to manufacturing, to mining, and to transportation, I would advocate a higher statutory minimum wage than I now support. It should be clearly understood that the issues involved in this bill are the coverage and overtime provisions, and not the minimum wage rate. The wage rate becomes an important issue only because of the effect it would have on small local businesses which were not intended to be covered in the first place. But congressional intent to leave local business to the protection of the States has not been respected. Gradually and persistently the courts and the Administrator have extended the law's coverage to bring within it many local businesses.

Late last week a mimeographed summary of the Lesinski bill, H. R. 5856, was delivered to my office. It contained the statement that "all" retail and service establishments are exempt. The word "all" is underlined. This

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statement is true—as far as it goes. However, the mimeographed summary does not point out that there is a tremendous difference between what we think of as a retail or service establishment and what such terms mean when used in the Lesinski bill.

Now ordinarily, we would not think the employees of a local window cleaning business would be covered by the act. However, the courts have upheld the ruling of the Administrator that employees of such a company who clean windows in buildings where workers produce goods for commerce are covered by the minimum-wage and overtime provisions of the act.

I can cite you other actual court decisions and administrative interpretations of the act which are even more ridiculous. Now you are undoubtedly interested in how the coverage provisions of this act have been allowed to run so far afield from congressional intent. If you will study the definition of the term "produced" contained in section 3 (j) of the Lesinski bill, you will find the answer to your question. "Produced" is defined as any process related—or occupation necessary to the production of goods for commerce, which is the same language as is found in the Fair Labor Standards Act. The Administrator has ruled that he will interpret the coverage provisions broadly. In his interpretation of the act, the Administrator stated:

> It is evident that, apart from certain specific exemptions enumerated in the statute, Congress intended a very wide application of its regulatory power over interstate commerce.

Just like every river must eventually flow to the sea—so every worker by some stretch of the imagination—is necessary to the production of goods for commerce. Therefore, the language of the act can be stretched to cover millions of additional workers in this country—whenever the Administrator is ready to do so.

Since there is no question that employees of local retailers and intrastate service establishments would be covered unless specifically exempt—it becomes necessary to determine whether they are exempt under the Lesinski bill. The answer depends upon whether such business fits within the narrow definition in the Lesinski bill—and it is impossible to understand the effect of the retail and service definition in the bill unlesss you know the meaning it has been given under interpretations by the Wage and Hour Administrator.

In order to bring employees of local retail and service establishments under the act, the Administrator has invented a class of business designated as non retail.

To you and me, a nonretail establishment would look like a retail establishment. But that is because we are not acquainted with the nonretail tolerance—which has also been invented by the Administrator. Under the nonretail tolerance, a businessman who would otherwise be thought of as a retailer loses his exemption if more than 25 per cent of his dollar volume is derived from nonretail service or selling. This includes:

First. Any sale in quantities larger than ordinarily sold by such establishment.

Second. Certain types of sales at a discount.

Third. Any sales to other businessmen—regardless of quantity sold—if the goods are resold by them.

Fourth. Any sales of goods not ordinarily bought by individuals for their own consumption.

RETAILERS

Most retailers make some sales in each one of these categories—but, nevertheless, they are still considered to be retailers by other members of the trade and by the public generally. But if more than 25 per cent of his dollar volume is derived from such sales, a businessman loses his status as a retailer under the Lesinski bill. As you can see, it is quite a feat to be considered as a retail or service establishment under the Lesinski bill. Many of this country's small local businesses would not fit within the definition—and these would not be exempt.

After general debate on this matter has closed, it is expected that H. R. 5894—the Lucas bill—will be offered as a substitute to H. R. 5856, the Lesinski bill. It might be well to consider how the Lucas bill treats the coverage of small-business establishments by modifying the definition of the term "produced" in section 3 (j). In the Lucas bill, production of goods for commerce means an activity "closely related or indispensable" to such production. Therefore, employees of

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certain businesses will no longer be covered by the act simply because their work is but remotely connected with the production of goods for interstate commerce, as is now the case.

In addition to limiting the coverage provision, the Lucas bill establishes a practical test of a "retail and service establishment." While the Lesinski bill gives an artificial definition as to what constitutes a retail or service establishment—based on arbitrary interpretations of the Administrator — the Lucas bill exempts all retail and service establishments which are recognized as such in their particular industry, and do not derive more than 25 per cent of their dollar volume from sales for resale, as resale is defined in the bill.

The Lucas bill also exempts laundries which do not derive more than 25 per cent of their dollar volume from customers in mining, manufacturing, transportation, or communications business. It also provides that local retail and service establishments shall not lose their exemption simply because they process the things they sell. This provision exempts drug stores where prescriptions are made, small bakeries, tailor shops, and other businesses which do some work on the goods they sell. These could be covered—in whole or in part—by the Lesinski bill.

SMALL BUSINESS

As I have said, it is important to consider that small businesses in all sections of the country will be affected by the minimum wage rate. However, this far-flung coverage of the act is even more important in regard to its overtime requirements than in its minimum wage provisions. At present almost every business, large or small, is paying its employees more than the statutory minimum of 40 cents. They have to, in order to get the kind of employees they want. It is the overtime provisions that hurt these employers—especially in small towns serving a rural area where working hours must be adjusted to the convenience of customers. In such cases the stretched coverage of this act affects the employer even if he is paying his employee $60 a week—because he is required to pay time and a half for overtime work which is necessary. It is important to remember this fact—that the humanitarian appeal for a minimum wage will apply only to a few fringe workers —but the overtime requirements will force many employers to pay cetrain employees as much as $7 to $10 an hour, and even more. That is the real danger of letting the coverage provisions of the act get completely out of control.

I shall not use this time to discuss the argument for and against a minimum wage law. The common purpose of a minimum wage law is to prevent the payment of unduly low wages—or oppressive wages. This law is not concerned with regulating wages among all levels of workers, but only with eliminating the particular cases where they are below a minimum standard—such as sweatshops and the exploitation of certain types of workers. Its function is not to affect all wage earners, but merely to protect certain individuals at the lowest fringe of the labor force.

Today we are to consider the problems to be encountered in determining a correct minimum wage figure; whether it should be a rigid 75-cent rate or a flexible one based on the cost of living. An example of the defect in a rigid minimum wage rate is the present law, which has not been changed to reflect the fluctuation upward in the cost of living. Every time there is a marked change in the cost of living pressure is put on Congress both for and against changes in the rate. All of this would have been eliminated if the minimum rate would have been automatically adjusted each year to the changes in the cost of living. . . .

Many qualified persons are divided in their opinion concerning future economic changes in this country. During such an uncertain period, there is an understandable caution in the fixing of a rigid minimum rate at any figure. If the inflationary cycle resumes its upward march, Congress may be fixing too low a rate. If a sharp readjustment occurs in the economic structure, then there is an inherent danger of setting too high a figure—dangerous to employee and employer alike. With the objective in mind of protecting the relative purchasing power of the marginal worker and with a desire to act in an equitable and just manner, it seems sensible and sound to adopt an automatically adjustable rate at this time.

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The advantages of such a provision are, I hope, too obvious to need extensive exposition. Clearly, since the basic purpose of a statutory minimum wage is to assure a worker a certain minimum purchasing power, the only means by which this can be assured is not by just giving him so many cents an hour, but only through tying what he gets in wages with the prices he has to pay for what he buys. The best measure of such prices for this purpose is the B.L.S. cost-of-living index.

I am not going on with this at the present time because when the amendment is introduced under the 5-minute rule the various provisions will be clearly explained. But I would like to make this last-minute appeal to you, then I shall yield. No matter how you feel about the minimum-rate provision—whether it should be fixed, whether it should be flexible, whether it should be higher than 65 cents, or whatever it should be—fundamentally, if you really want clarification for the small-business establishments of this country so that they will not be forced either to got out of business or lay off some of their workers, if you want that, then the Lucas bill by all means over the Lesinski bill.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Kentucky.

Mr. PERKINS. Going back to the retail provision that the gentleman just discussed, I believe that on page 28 of the Lucas bill under exemptions it is provided that any employee employed by any retail or service establishment, more than 50 per cent of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located, is exempted. Now, that is the exemption provided in the Lucas bill, so far as retail and service establishments are concerned?

Mr. McCONNELL. We did not exempt the large mail-order houses.

Mr. PERKINS. Let us take a man engaged in the retail business near a State line. Under the Lucas bill, if it is established that he does more than 50 per cent of his business across the border—in other words, interstate—then under the Lucas bill he is covered?

Mr. McCONNELL. That is quite correct. No serious objection has come from the retail and service establishments on that. If more than 50 per cent of their business is interstate, they expect to come under the act.

Mr. PERKINS. Under the Lesinski bill, the illustration I just gave would not be covered. In the event he was doing more than 50 per cent of his business interestate, he would not be covered?

Mr. McCONNELL. Under the Lesinski bill?

Mr. PERKINS. If he was doing 75 per cent of his business interstate he would not be covered?

Mr. McCONNELL. There is no test in the Lesinski bill so far as interestate and intrastate business is concerned.

Mr. PERKINS. Under the Lesinski bill he is completely exempted, regardless of the interestate or intrastate character of his business, am I correct? That is, referring to retail and service establishments.

Mr. McCONNELL. In other words, according to the Lesinski bill all types of business, retail or service, large or small, are exempt from coverage so far as an interstate and intrastate test is concerned. That is true.

I presume what the gentleman is trying to make out is that this is objectionable to the retail and service establishments. They are not seeking to eliminate the intrastate qualification section of the present Fair Labor Standards Act as it refers to retail or service establishment exemption, and they are not making their fight on that proposition. The real fight is on the arbitrary ruling of the Administrator, whereby a certain type of selling or servicing is designated as nonretail. We have had a stream of small-business people, retail and service people, coal dealers, barber shops, laundries, bakers, retail establishments of various other descriptions, all disturbed because they are uncertain whether they are covered under the act. They do not do an interestate business. They are not arguing that. The matter they are arguing is whether they are classified as retailer or nonretailer under the act.

. . . . . .

Mr. RODINO, Democrat, New Jersey. Mr. Chairman, I shall vote for the 75-cent-

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minimum-wage bill because I believe elementary social justice requires this. Indeed it is incomprehensible to me that we as a nation have delayed for so long in overhauling the Fair Labor Standards Act and in bringing it up to present-day standards. It is my conviction that no employer whose operations are within the scope of federal legislation should be permitted to pay workers less than a subsistence wage. This is both sound ethics and sound economics. The employer who persists in paying substandard wages is forcing the community to bear a cost of what should properly be his basic cost of production. No human being can support himself or herself and maintain sound health and live under decent conditions at a wage of less than 75 cents an hour. Therefore, the worker who receives less than this amount must obtain some subsidy from charity, from relative, or from some other source. Sweatshop wages are at the root of many of the social ills which local, state, and federal governments must spend millions annually to correct or alleviate.

WAGE DIFERENTIALS

Although my advocacy of the 75-cent statutory wage and extended coverage of the Fair Labor Standards Act is based primarily on humanitarian grounds, the practical arguments for this long overdue legislation are equally compelling. The statistics regarding average wages paid to workers in industry make it abundantly clear that only a very small group of employers are paying less than 75 cents today. It is clear, therefore, that the fair employer, the concern that pays decent wages and wishes to continue to do so, is jeopardized by those who pay substandard wages. In a period when unemployment is increasing in certain areas of our economy the competitive situation again becomes acute. If the rate is raised to at least 75 cents, the competitive struggle will not be waged at the expense of the basic living standards of the working people in these concerns. The fair employer will have some measure of protection against the unfair concern.

Let me cite for a moment two situations from my own district which will illustrate my general contention. For many years the oldest and largest thread company in this country operated in Newark, employing over 1,100 people. The concern, although non-union, paid the going wages in the northern section of the cotton-textile industry. Certainly its wages were well above those that would be required if the present legislation becomes law. About a year ago this concern closed down its Newark mill and moved to Georgia. It made no secret of the fact that it did so that it could pay the lower wages prevailing in that section of the South. I am informed that this mill now pays rates from 20 to 30 per cent less than it was obligated to pay in the North.

Enactment of the pending legislation would not require a manufacturer to pay the identical wages in the South that are paid in the North. What the law would do, however, would be to substantially narrow the wide wage differentials that have existed between various sections of the country. The practical effect of narrowing this competitive gap would be to slow up at least the migration of old-established plants from high-wage sections to low-wage areas. If a manufacturer can legitimately achieve lower costs in one place as against another without taking unfair advantage of his workers no one can object to that type of migration. But as a practical matter we know that in the consumer-goods industries at least that there will be far less shifting about of established plants when this Congress enacts a statutory wage of 75 cents per hour. This proposed legal minimum is fairly close to the minimum which most of these industries, which tend to migrate, now voluntarily pay.

I am not arguing against the establishment of new industries in the under-industrialized sections of our country. What I am arguing for are proper safe-guards which will protect established communities but which will at the same time protect inexperienced workers in places where hitherto there has been little industrial employment. This would be the effect of a sound national minimum wage such as provided in the bill now before you.

Let me refer to another case of a textile mill which left my district about a year ago. One of the oldest woolen mills in the United States, employing about 800 workers closed its doors and went out of business. Those who know most about why this company took this action are convinced the reason was that this employer found it difficult to compete

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under present conditions in his industry. Woolen mills are now opening up in the South, I am informed, and are paying rates far below the established rates in the North. No one in his right mind will say to any manufacturer "You cannot move wherever you please"; nor would anyone in his right mind argue that woolen mills cannot operate successfully in the South. What I am arguing for is a code of fair competition. The government should set up certain standards which would permit private industry to exercise every bit of ingenuity, skill, and enterprise possible. But there should be a definite floor under wages below which no one can cut. The clever employer can always succeed without taking advantage of his workers. The unfair employer will be prevented from going to such lengths in his treatment of labor that both the individuals concerned and the economy as a whole will suffer. I insist that far fewer plants will close down in the North if a fair and reasonable minimum wage law is speedily written into law. Nor will this law in any way limit the expansion of any legitimate industry which wants to build new plants or go into new territory.

Finally let me mention that in my district there are thousands of veterans of both world wars. I am in close contact with these men and their families. A large proportion of these ex-GI's had no real trade before they went into the Army and some of them were either unable to get training after they were discharged or did not see the necessity for such preparation. The result is that a great many of these veterans are today working at very low wage jobs. Many of them have been forced to take employment in what can only be called sweat shops. While my district is no worse than any other and is better than most in this respect, there are in every industrial center some very low-wage concerns right next to places that pay standard rates. Do not run away with the idea that low wages are only found in rural areas or in the southern part of this country. Unfortunately all of us have some small pockets of disgracefully bad wages in our own back yards. I have been made especially conscious of this fact through my work with the veterans. I have found hundreds of these fine young chaps now obliged to work at jobs which pay very much less than a living wage. Many of these men who risked their lives for their country are now trying to exist at jobs paying less than 75-cents an hour. As of June 30, 1949, the New Jersey State Employment Service reports approximately 10,034 unemployed veterans in my district. This is in part due to the shifting industry from the North to the South. I say this is a shame and a disgrace and that we must put an end to such conditions as quickly as we can reach a vote on this bill and as quickly as it can finally be enacted into law.

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Mr. MURRAY, Republican, Wisconsin. Mr. Chairman, it may seem peculiar that one who comes from an agricultural State would have the temerity to ask for time to speak on this bill. May I call your attention to the fact that out in Wisconsin there is a lot of this New Deal stuff which does not mean very much to us because, if you will look up the record you will see that we had unemployment insurance and other labor legislation passed long before anyone ever heard about it here.

The reason I ask for this time is to say that I hope we pass a bill this time so that when a member of Congress writes to the Department to find out who is covered and who is not covered he will be able to find out. That is something I have been unable to find out in the 10 years that I have been a member of Congress. That situation obtains in most cases.

Last week I was very much distressed to see my colleagues who are particularly interested in minimum-wage legislation vote against the Gore bill. The Gore bill provides a 50-60-cents-per-hour labor return to the producers of goods and fibers in our country. This is a 19-year study and you can find it in the Appendix of the June 8 RECORD. This study indicates a 50-60-cents-an-hour labor return. The exact hourly return depends on the weather and a number of other factors. But over these 19 years it provides the producer an average of between 50 and 60 cents an hour for labor. I could not understand why so many people were opposed to the farmers getting that much for producing the food and fiber for this Nation.

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Let us stop and look at the year 1939. That is the seventh year of the more abundant life. The figures show for different types of farms —16 cents an hour, 14 cents an hour, 32 cents an hour, 18 cents, 17, 17, 30, 21, 22, 7, 35, 25, 24, 21, and 21. Now, that is what happened in the seventh year of the more aboundant life, so far as the labor returns to the farmers of this country are concerned. There is not anyone who can dispute that fact because these figures are from the B.A.E. and this is their study. If there is anybody who believes that 90 per cent of parity gives the farmers any more than 50 cents to 60 cents an hour, I can tell them a good way to prove it to himself. Just go out and buy a farm, pay 50 cents an hour and then sell your product for 90 per cent of parity and see how you come out at the end of the year. If you study this Dr. Wiley report you will note that the labor return was over $4 in the Southwest in 1948. But you must remember that wheat was more than parity and the crop was above normal. That is No.1.

No. 2: I have heard much talk around here in the past few days about the State of Louisiana. I have heard folks saying how we bad Republicans — black Republicans — are against all these things. I just wonder how many people ever checked up and found out that we already have a law which gives the Secretary of Agriculture the authority to fix a minimum wage in one part of American agriculture. Did you know that? Pretty nearly everyone here voted for it, too, and that is the sad part of it, because that is what you voted for in the Sugar Act. What does the Sugar Act provide? The Sugar Act provides that the Secretary of Agriculture—now, remember, this is not some black Republican who cuts the ears off little children and does a lot of bad things—this is a member of the President's Cabinet—then has the authority to fix minimum wages. The Sugar Act provides that the Secretary of Agriculture has carte blanche authority under the law to fix this minimum wage.

So when they tell you that the sugar people in the State of Louisiana is able to get out from under the Lesinski bill they are not giving you all the facts, because the facts are that they are already out from under it because the Secretary of Agriculture, having this carte blanche authority provided in the Sugar Act, said that the minimum wage for Louisiana should be set at 32 cents an hour to 39 cents an hour. Everyone knows about these D.P.'s. They had about 300 of them, and half of them have evaporated; they cannot find them. They heard about what wonderful opportunities they were going to have in the United States and when they got down in the sugar fields they did not like it, so they just disappeared. I do not know whether they have found them yet or not.

The Secretary of Agriculture, a member of the President's Cabinet, the party who speaks so often of minimum wage legislation, also goes down to Florida and gives them 45 cents an hour minimum wage. The question is, If a member of President's Cabinet has authority to say what the minimum wage should be, why did they not make it 75 cents an hour? It is a little better than 75 cents an hour in the Hawaiian Islands. Out in California and Colorado it is 60 and 65 cents an hour. Sugar from California and Colorado must be just as sweet as sugar from the 25-to-45-cent-per hour area.

I am just talking about the field work. I am not talking about the folks in the factories. So the question is, Here is a member of the President's Cabinet, not any black Republican that cuts off children's ears, but here they are, with carte blanche authority, and they go down to Puerto Rico, and what do they do? They figure that 29 cents an hour is enough for the Puerto Ricans.

Is that how much they are interested today in minimum wages? I hope not.

Then they go to the Virgin Islands and they figure that Puerto Rico's 29 cents is too much and they give them 25 cents an hour. It is in the official letter in the May 20, 1949, RECORD.

So I do not want to be kidded too much in connection with this wage-hour legislation.

I happen to come from a state where labor has had recognition for years and years. The labor legislation in Wisconsin was enacted under Republican administrations, too. Occasionally some outside fellow comes in and tells us how bad we Republicans are, but we do not find all these controversies that you

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have. Our state is pretty well divided industrially and agriculturally, as far as business is concerned. In that state you do not find anybody who is antilabor in any political office that stays there very long. You will say probably that one reason is because the state economy is based on the dairy industry. Anyone knows that if you are going to buy dairy products you have to have good wages or you will not be able to buy them. . . .

If this minimum-wage legislation is a good piece of legislation, I would like to know why there is not more people blanketed under it. Our colleague, the gentleman from Texas [MR. BECKWORTH] made a fine contribution the other day. He did not get a very good reception on the floor, but if something is not done in connection with a minimum wage for labor as it relates to agriculture, you will find that in a few years' time we are going to have a few hundred wheat growers in the United States and a few hundred cotton growers in the United States, and so on down the line. One wheat grower produces 500,000 to 600,000 bushels a year and he had already had a subsidy of over $250,000. The gentleman from Texas [MR. BECKWORTH] wanted to put in an amendment to let the little fellow raise four bales of cotton. He did not get much support on that. But stop and think about it. If we do not provide some kind of a program to give the little fellow some chance to stay in business, he will be put out of business. If you have a set-up whereby you are not going to give any protection to the man who works on this land, as far as a minimum wage is concerned, when we can protect the man who owns the land, as we did last week, with a minimum wage—not only a minimum wage but we also provided him a job at 50 or 60 cents an hour—I say to you that we have some responsibility, our government has a responsibility, to see that the man who does the work has somewhere near comparable support for the labor he does on those farms. Mr. Hugh Mitchell, of the farm-labor section of the A.F.L., is one of the most constructive labor men I have met in Washington.

But I just believe the time has come when we have to meet that problem. We are going to say, "Well, the farmers do not want to come under it and we will not put them under it." The time is coming when we had better broaden the base for minimum wages or take it off the books altogether. I for one am willing to stand up and be counted to broaden the base from one end to the other, because if it has merit to it, it has merit for the many as well as for the few.

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Mr. COMBS, Democrat, Texas. Mr. Chairman, we are approaching the close of general debate. It will not be possible in the limited time that we necessarily have in the allotments that are made to us to go into the details of the pending measure or the substitute that will be offered.

I want to discuss in a general sort of fashion some of its main provisions; and when we get into consideration of the bill under the 5-minute rule, I hope it will be possible for the members to remain on the floor and become familiar with both the Lucas substitute and with the Lesinski bill, because certainly there is hardly any legislation that will be proposed in this Congress or any other that is fraught with so much potential effect upon the American people, the American government, and even the world.

OPINION

There are differences of opinion among us as to the philosophy of minimum wages. There are some who sincerely believe that the providing of a minimum-wage level has nothing to do with the economy of the country. My own conception is that while these wages are up, unless we place a floor under them so as to permit their sagging under the impact of temporary slumps in business, we will sink into a depression that will make the last one look like child's play. . . .

I remember some facts, and I have been through some depressions in my day. One simple fact I remember is that in no time of low prices have I seen a happy people.

In 1896, at the age of 7, I picked cotton for 35 cents a hundred pounds and you could buy bacon for 7 cents a pound and 50 pounds of flour for 40 cents. But the people were not happy. In 1907 I worked in the sawmills in my section 10 hours a day for $1.25. You could buy a pair of overalls for 60 cents and other commodities in kind. But were the people happy? No. Back in the thirties you could buy a beautiful piece of sliced bacon

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for 20 cents. But who had the 20 cents? The bread lines and the soup kitchens in this country were feeding millions of our people who could not buy the surplus products that rotted in the bins and the storage places of this nation.

We have a $254,000,000,000 debt. Do we dare allow the purchasing power of the American people to sweep down? Yet we are faced with a proposal in the Lucas bill of tying the minimum wage onto the so-called living cost. What happens? The living cost goes down. You lower the wage. That being a big element in the cost of a manufactured product, the living cost goes down and the wage goes down, so you just start digging down and down until you hit the bottom of 50 cents, or whatever else is provided. That is all there is to that. Why a minimum wage at all? Because in time of slack purchasing it is natural that the manufacturer or the merchant or the other man will want to move his product. So, in order to do it, he wants to reduce the price, and with manufactured commodities the labor cost is the larger part of it. He begins then to lower his labor. But his competitor has to lower his labor to meet it. So they start, and when they both get to the same labor level and the cost level, they are no better off than when they were up here. They both have to compete for the same market. So, I think the philosophy of the minimum wage is sound, but I will not have time to go into that.

I want to just make a few general observations and then yield for questions, because I have never seen so much misinformation put out both in the cloakrooms and by the propaganda over the wire inspired by the lobbyists that infest this city as I have seen concerning this Lesinski bill.

Now, that points up the first fact that this is an exceedingly complicated field of legislation. Statements innocently made here a while ago by my good friend, the gentleman from North Carolina [Mr. BARDEN], and by the fine gentleman from Pennsylvania over there are completely beside the facts of the bill, because they do not understand it.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. Will the gentleman tell where I was incorrect?

Mr. COMBS. I understood the gentleman to say that there was a provision in the bill that authorized the Secretary of Labor or the Administrator to prosecute and fine a man for violation of the rules.

Mr. McCONNELL. I made no such statement, but it is true, if that is what the gentleman means. If you violate the law you are subject to penalties. The law says that.

Mr. COMBS. The rule-making power granted in here is essentially to do the things you fellows have preached ought to be done for two days, and that is to clear up the fog territory that has infested the administration of this law, and hounded those people who wanted to comply, as you say. But, what does this do? This says that clarifying regulations may be made. Then there is incorporated in the bill, if you will read it, by reference, both the Administrative Procedure Act enacted by the Seventy-ninth Congress, and the portal-to-portal bills, both of which impose the statute of limitations and the procedure act provides for a court review of any order made under that procedure system in which the administrator's findings will not be binding upon the court unless they are supported by substantial evidence. Furthermore, no prosecution for an offense under this law can be reached except for what? A wilful violation. Second, it is reached in court. Third, the court must find the man guilty and prescribe his penalty, and it can only prescribe a fine for a repeated wilful offender. What is wrong with that?

Mr. BARDEN, Democrat, North Carolina. Mr. Chairman, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from North Carolina.

Mr. BARDEN. The gentleman says I did not know what I was talking about but the gentleman admits that subsection 2 on page 35 states, "any of the provisions of any regulation or order of the Secretary issued under section 11 (b)." I said it carried a $10,000 fine and 6 months in jail or both. Is that a correct statement? The gentleman said I was incorrect.

Mr. COMBS. That is like asking a man if he has quit whipping his wife. The words the gentleman read there are correct, but this

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is the meaning. In the first place, those are the criminal penalties prescribed that a court may inflict on the showing of willful violation. The first one is not subject to jail penalty at all.

Mr. BARDEN. Is the gentleman advocating leaving power in the Administrator to pass criminal laws and incarcerate and fine people for violating them?

Mr. COMBS. When we get under the 5-minute rule we will get back on this question.

Mr. BARDEN. I would be glad to debate the gentleman on it under a 30-minute rule.

Mr. COMBS. I would be glad to debate the gentleman under the hour rule or any other rule.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LESINSKI. Mr. Chairman I yield the balance of the time to the gentleman from Texas.

May I call the attention of the gentleman to the language on page 36:

> No person shall be imprisoned under this subsection except for an offense committed after the conviction of such person for a prior offense under this subsection.

Mr. COMBS. That is correct.

Mr. ALLEN, Democrat, Louisiana. Mr. Chairman will the gentleman yield?

Mr. COMBS. I cannot yield; I have only 5 minutes. When we get to talking about these rules the time slips by so rapidly. Let me make a few observations. I can only make them generally. When we get under the 5-minute rule, let us have these things explained.

A good deal has been said about work being done behind the scenes. It was not a question of the green dragon or the green hornet or some ghost. A number of us fellows scattered about the country, from the South, mainly, did work with some of the boys from the North in an effort to try to reach a common agreement. There was no trading. Some little concessions, and they were exceedingly small and no more than the very minimum we thought we could seek, were granted to certain types of southern industry.

Yesterday the gentleman from Ohio [Mr. BROWN] made the statement that he supposed the southerners traded the committee out of a lot. We did not.

But I did have the privilege of working with a number of members of the committee on this bill. I have never met finer gentlemen or dealt with more fairminded men. What we have tried to bring in is an honest and a forthright bill. I do not tell you that the bill will work or that it is perfect. I can only tell you in my humble judgment, after three months of trying to work out with great care with other members certain provisions, that it is infinitely better than the existing law and infinitely better than anything that has been offered.

For example, the Lucas bill will leave no relief whatever to the merchants and the service institutions along the border lines of every State from Port Arthur to Texarkana, or any other city of the nation located close to a State line.

Under the 5-minute rule I hope the gentleman from Alabama [Mr. ELLIOTT] will tell you about that. It will leave them to be continually harrassed and sued. They will have to keep records on every delivery across a State line to see whether it was 50 per cent or not. Certainly, that is just one of many omissions.

Again we have exempted under that law these local-service institutions, such as laundries, restaurants, hotels, and many other retail establishments. Why limit it to those who have not over 25 per cent of wholesale? In order to bar from lifting the coverage from those large institutions that are engaged in wholesale operations in connection with textile mills and thousands of other big plants which to all intents and purposes are part of the larger plant. We have tried by careful language to make this bill fair to the employer and employee alike. Listen, my colleagues, too many laws have been passed that treated the employer as though he were to be singled out as some enemy of society. It is true that factories cannot operate without men to work in them, but there can be no factories for men to work in unless other men put their money into the factories depending on the faith and conscience and fairness of the American people.

This bill is fair in the careful delineating of the line of coverage. It puts in the Administrator the rule-making power, subject to review of the court, in order to make cer-

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tain whether a man is covered or not, and thus removes the shadow territory that the courts have created by the construction that these gentlemen have been complaining about. The only way we can figure this out, after weeks of working on the job, is now before you for your consideration.

If you have a plan which you have figured out, why not tender it? I am astonished at my friends on the other side of the aisle that they find themselves here without any bill at all and without any constructive opposition to the Lesinski bill, but with a flank attack upon the bill tendered by the majority of the committee. I should like to ask the gentleman from Pennsylvania this question, if I may:

Is it your plan to offer a substitute bill, or will you and your group and your committee support the Lucas bill?

Mr. McCONNELL. Mr. Chairman, I can only speak for myself. I am supporting the Lucas bill.

Mr. COMBS. You do not know about your fellow-members on the committee?

Mr. McCONNELL. It has not been made a party matter.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Fair Labor Standards Amendments of 1949."

Mr. LUCAS, Democrat, Texas. Mr. Chairman, I offer a substitute amendment, which I send to the Clerk's desk.

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The CHAIRMAN . . . . The Clerk will report the amendment offered by the gentleman from North Carolina. [Mr. REDDEN]

Mr. REDDEN, Democrat, North Carolina. Mr. Chairman, we are all trying to arrive at the same goal here today; that is, we are all trying to fix a minimum wage for the workingmen of this country that will be fair under foreseeable conditions. Ordinarily I favor a bill reported by a committee that has jurisdiction of it over one that has not been considered by a committee, but under the present circumstances it seems that these bills, technically speaking, have not been considered by the legislative committee having jurisdiction. It is true that many points in them, perhaps all points, were considered by the Committee on Education and Labor, and the House has voted, as we all know, to consider the Lesinski bill, notwithstanding the fact that it was not, technically speaking, considered by the Committee on Education and Labor.

We now have before us as a substitute for the Lesinski bill H. R. 5894. I think its coverage is better for the American worker and the American employer than the Lesinski bill. The principal difference in wages is 10 cents an hour.

Mr. Chairman, it is my honest conviction that our country's economy is tied to high prices, high wages, and big profits to the extent that we would be justified today in voting for a minimum wage of 75 cents an hour. Whether this ought to be in the Lesinski bill or in the Lucas bill is a question for the members to decide. You can take your choice with the provisions of those two bills. I have made my choice if the Lucas bill is amended to provide for a minimum wage of 75 cents.

As you know, we have a budget of $42,000,000,000 to support; we have a debt of $250,000,000,000 to pay and the interest on that debt. We cannot meet our obligations unless our economy remains high under high wages and big profits in this country. So we must answer the question now as to whether we wish to support in any bill or in all bills the question of 75 cents an hour.

Mr. Chairman, in view of all these circumstances, I wonder if the author of the bill H. R. 5894, to which I have offered my amendment, will not accept the amendment, and I ask the gentleman now, the gentleman from Texas [Mr. LUCAS], if he really objects to the amendment I have offered? Does the gentleman actually object to a minimum wage of 75 cents in his bill?

Mr. LUCAS. Responding to the gentleman, may I say that I have offered 65 cents. If the members want to accept 75 cents, of course, that is up to them, and if they want 75 cents I would be for it. However, I have a responsibility on my part to protect H. R. 5894, which provides 65 cents an hour, having been chosen by some members to offer that bill. I am going to vote for 65 cents, but if the House chooses to make it 75 cents I would be for it.

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Mr. KEEFE, Republican, Wisconsin. Mr. Chairman, I have given some study to this situation, and while I have no desire to try to impose my will upon the membership with regard to this matter, yet there are some things in connection with the Lesinski bill which I defy anybody on the committee which wrote the bill to explain satisfactorily to the House. I would like the members to please turn to two provisions in the Lesinski bill which are found in the exemptions on page 32. The first one of those exemptions is the one we just heard about—the exemption of the Louisiana sugar-cane producers. The real reason why that is discriminatory against the State of Florida is because the exemption does not exceed 15 weeks in the aggregate of the calendar year, while the Florida producers take over 5 months. Therefore, it is a rank discrimination as against Florida in favor of the State of Louisiana. That is not all. Read the next one.

LUMBER INDUSTRY

I spoke with the gentleman from Texas [Mr. COMBS] about this. I talked with the distinguished gentleman from Indiana about it. Read the next exemption. What did the gentleman from Texas [Mr. COMBS] have in mind? He had in mind that they were going to exempt little sawmill operations in the South. That is what he had in mind, and he so told me. That was the discussion that they had, and that is what he thought. They intended to exempt the employees of the little portable sawmill operations in the South that employ less than a dozen people. Read it carefully, as I have read it. The amendment does not do that at all, and he will admit it if he is here. They got the gentleman from Texas, Judge COMBS, and some of the other members from the South into this picture in an effort to try to save the 75 cents an hour. They are willing to exempt almost everybody from the operation of the wage-hour law if they can save the 75-cent minimum. That is all there is to it. The Lesinski bill is a bill to exempt people from the provisions of the Wage-Hour Act, rather than to provide minimum wages for the people that some of you cry so desperately about. That is what this Lesinski bill does. You have raised the exemptions all along the line. Why? Just to get votes, the most despicable exhibition of logrolling that has ever come to my attention in this Congress. How you advocates of the protection of labor can stand up here and defend the enactment of the Lesinski bill in the interest of labor is beyond me. You do little or nothing but take people out from under the bill and thus try to satisfy every special pleader. You have done it in an effort to save the 75-cent minimum.

Mr. LANHAM, Democrat, Georgia. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield.

Mr. LANHAM. Do you realize that even with all the exemptions, not as many are taken out from under the bill as are taken out with the Lucas bill, under one change in the definition of "production for commerce."

Mr. KEEFE. I do not know that the gentleman can state that as a fact capable of proof. I heard the gentleman make his statement yesterday, and he made what appeared to me to be a very frank confession, that those who worked to revise the Lesinksi bill did so in order to satisfy the people in the South by giving them exemptions in lieu of their votes for the 75-cent minimum.

There are some other amendments that I could discuss in connection with this matter that vitally affect the area that I come from, in the canning and processing industry, that the Lesinski bill will practically kill. It is not the 75-cent minimum. It is the overtime provisions that cause the trouble.

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Mr. EDWIN ARTHUR HALL, Republican, New York . . . . Mr. Chairman, in the year 1930 I was employed as a bank teller. I received $28 a week. I had a family of four children at that time and I was running substantially behind financially. The only way I could catch up with the rent and the food bill and the other items of expense that enter into meeting the cost of living was to get my dad, who was my landlord, to let me pay half the rent that the other tenants paid. That was in 1930, and, as I say, I was getting $28 a week. The proposal we are making here today is to give everybody the opportunity to earn from $28 to $30 a week in 1949. If I was running behind in 1930, I do not know how I could make out in 1949 on $30 a week.

. . . . . .

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A great deal has been said about the flexible wage standard. If I was running behind in 1930 on $28 a week, and was making $30 a week in 1949, that would mean, if the cost of living went down to what it was in 1930, on the basis of the proposals I have heard, I would be making about $15 a week. I cannot live on that, and I certainly would not ask anyone else to live on it. I do not know of anybody else who could live on it any better than I could.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. EWIN ARTHUR HALL. I yield.

Mr. McCONNELL. There is an absolute floor below which the rate cannot go, and that is 50 cents an hour for 40 hours a week; that would be $20.

Mr. EDWIN ARTHUR HALL. I stand corrected on that, but I could not do much better on $20, and I am little different from anybody else. There is one other point I want to make, and that is that I feel both the Lesinski bill and the Lucas bill neglect the very people they should help. I speak of the great mass of white-collar workers. I was a white-collar worker for many years. I do not feel that the rank-and-file white-collar workers are being benefited by either of these bills. So far as I can see, it is six of one and half a dozen of the other. I think the white-collar class—the bank employees and the retail people—should be helped. I have no compunction about what I am saying on this particular proposition because I will vote to put everybody in the larger organizations under this bill. I think the white-collar class has been neglected. People in the manual-labor groups and industries are all making an average of nearly 75 cents an hour. The others are the ones who are neglected, and we might just as well face the issue right here and now that the white-collar workers—the bank employees, chain- and department-store employees, and many others—are the ones who are being neglected, and they are not going to be helped by either of these bills.

I am for a 75-cent-an-hour minimum wage.

. . . . . .

Mr. WILLIS, Democrat, Louisiana. Mr. Chairman, I am delighted to say a few words at this time about the so-called Louisiana sugar amendment. It happens that I represent the Third District of Louisiana, where the bulk of all Louisiana sugar is produced. . . .

Mr. Chairman, I had nothing to do with the preparation of this amendment, nor did I know about its language until I saw the bill. However, my interest from the beginning was that there should be in both bills a clause similar to provisions included in the Lucas bill which exempts sugar factories from overtime. As far as I know, all members of the Louisiana delegation wanted the same thing. As a matter of fact, if the Lucas bill does not prevail, I understand an amendment will be offered to the Lesinski bill to make it conform with the provisions of the Lucas bill. I intend to support such an amendment. As far as I know, the other members from Louisiana probably will do the same thing, although they can speak for themselves.

To show that this so-called Louisiana amendment does not hold any particular lure to me, may I say that I am going to support the Lucas bill provided that after all amendments are in the raise is reasonable, and the coverage thereof is not disturbed. I am not in favor of the 75-cent-per-hour provision for the simple reason that I not only represent the working people but also the fishing industry, the lumber industry, the farming industry, the canning industry, the sugar mills, the cotton gins, the sirup mills, and all other elements in my district. A raise of 40 cents to 75 cents an hour is a shock which my particular district simply cannot stand. This does not mean that I am not in favor of a reasonable increase in the minimum wage; on the contrary, I am for it, but I must take a position which, in my judgment, is best suited for all the people of my entire district.

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Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the amendment be again read, for the information of the members of the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. REDDEN], to the amendment offered by the gentleman from Texas [Mr. LUCAS].

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Mr. KELLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. KELLEY and Mr. REDDEN to act as tellers.

The Committee divided; and the tellers reported that there were—ayes 186; noes 116.

So the amendment was agreed to.

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Mr. MACK, Republican, Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by MR. MACK of Washington to the Lucas substitute: On line 3, page 31, strike out the semicolon and all the following material down to the semicolon at the end of line 9; strike out the figure "16" in line 10, and renumber "15."

Mr. HORAN, Republican, Washington. Mr. Chairman, I ask unanimous consent that the time allotted to me be made available to the gentleman from Washington [MR. MACK].

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MACK of Washington. Mr. Chairman, both of these bills seemingly are divided into two parts. The first part of each bill seems to be devoted to saying that all those who now enjoy wages of 75 cents an hour or more are to get minimum wage and maximum hour protection. Then the second part of both bills seems to be devoted to exclusion from the benefits of minimum wage and maximum hour protection and benefits all those who now get wages of less than 75 cents an hour.

In short, most of those who need a 75-cent wage most are banned by exemptions in these bills from being covered by the 75 cents an hour minimum wage.

One of the low wage industries where workers are denied minimum wage and maximum hour protection by these bills is the southern lumber industry of the United States which employs 250,000 workers, most of them at a minimum wage of 40 cents or an average wage of only 55 to 60 cents an hour and who certainly are entitled, if anyone is, to a minimum wage of 75 cents an hour.

The purpose of my amendment is to guarantee to these low paid workers of the southern lumber industry the protection of a minimum wage of 75 cents an hour and to secure for them overtime pay for any hours they work beyond 40 in any calendar week.

There is a joker in this bill. That joker is the section I propose by my amendment to take out of this bill.

This joker provides that all logging camp and lumber mill workers where the employer has 12 employees or less shall be excluded from minimum wage and maximum hour protection. If these workers are excluded, as the Lucas bill without my amendment will exclude them, their employers can pay them any wage, even 40 cents an hour, if the employer wishes. Furthermore, unless they are given the maximum hour protection granted workers in other operations and industries these southern workers may be worked by their employers for as many hours as the employer wishes without those employees receiving any payments for the overtime they are required to work.

The gentleman from Michigan [Mr. LESINSKI], chairman of this committee and author of one of the bills now under consideration, told his committee during the hearings:

> In 1946, 40 per cent of the employees in the southern lumber industry earned less than 60 cents an hour and 82 per cent were employed at less than 75 cents an hour.

Yet despite that statement, Mr. LESINSKI's bill would eliminate nearly all of the workers in this low-paid southern lumber industry from coverage under this act. The Lucas bill carries an identical exclusion for the workers of the low-paid southern lumber industry.

Now, of course, neither of these bills mention the southern lumber industry by name but they might as well have done so.

If you will examine item 15 on page 31 of the Lucas bill—incidentally, if it is left in the bill it will be a mighty unlucky one for the nearly 800,000 workers in the lumber industry of both the South and the West—you will find the provision that excludes the low-paid southern lumber workers from both the minimum-wage and maximum-hours provisions of this bill.

There is a similar provision in the Lesinski bill.

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Everywhere in this country, except in the South, the lumber industry is paying minimum wages of $1 or more an hour. The 75-cent minimum wage, therefore, will be of no effect anywhere in the lumber sections in the South where, according to the gentleman from Michigan [MR. LESINSKI], 82 per cent of all lumber workers receive less than 75 cents an hour and where 40 per cent of them receive wages of less than 60 cents an hour.

The real joker in this section, however, is the clause which says that employees of logging camps and lumber mills shall be excluded from the minimum-wage and maximum-hour requirements of the bill:

> If the number of employees employed by the employer in forestry or lumbering operations does not exceed 12.

The lumber industry of this country is divided into two parts, the lumber industry of the Southern States and the lumber industry of the rest of the nation. The lumber industry of the Southern States operates 47,000 lumber mills and those 47,000 mills produce about 12,000,000,000 feet of lumber annually or one-third of the nation's output.

The rest of the lumber industry of the United States operates 6,000 mills, only one-eighth as many as operated in the Southern States, and yet those 6,000 mills produce 24,000,000,000 feet of lumber annually, or twice as much as all the 47,000 mills of the South.

Mr. KEEFE, Republican, Wisconsin. Mr. Chairman, I ask unanimous consent that the time alloted to me be transferred to the gentleman from Washington.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. GRANGER, Democrat, Utah. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from Washington.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MACK of Washington. Mr. Chairman, in short, the lumber mills of the South are for the most part small mills. In fact, of the 47,000 lumber mills in the Southern States, 96 per cent of them, or about 45,000 of these mills, cut less than 3,000,000 feet of lumber a year. A mill that cuts 3,000,000 feet or less is one that employs 12 people or less.

Thus we see that this clause which reads that lumber-industry workers shall be excluded from minimum wage and maximum hour protection, "If the number of employees employed by his employer in forestry or lumbering operations does not exceed 12," really means that the 200,000 employees of 45,000 small lumber mills in the South, are excluded entirely from the benefits and protection of the minimum wage and maximum hour provisions of the bill.

These 200,000 low-paid southern workers are excluded from the benefits of this legislation in both the Lesinski and the Lucas bill despite the fact that Secretary of Labor Tobin, in testifying before the committee, said, "I will say they"—meaning the southern lumber industry—"have one of the lowest wage rates of any industry in the country."

Then immediately following this statement by Secretary Tobin, Chairman LESINSKI, the author of one of these bills, commented that—

> It is a fact that in some sections of the country they do pay very small wages so far as lumber is concerned. There is another section of the country—

Continued Mr. LESINSKI—

> where they triple wages. I am talking about the West. The wage there on the average is $1.40 an hour while in other sections—

Obviously means the South—

> it is 40 cents.

Mr. Chairman, I speak to you today in behalf of the 300,000 lumber workers in the States of Washington, Oregon, and California and most of whom have been voting the Democratic ticket, and most of whom are going to regard themselves as sold down the river by the Democratic Party if this provision remains in the bill.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Texas.

Mr. LUCAS. The reason this amendment is in my bill is because it is in the Lesinski bill.

. . . . . .

The question was taken; and on a division (demanded by Mr. MACK of Washington) there were—ayes 45, noes 172.

So the amendment was rejected.

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